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830

Thursday,
26th April, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
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GIPN—S4—122 Lok Sabha—26-3-57—840

LOK SABHA DEBATES

(Part I—Questions and Answers)

Acc. No. 25567
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LOK SABHA

Thursday, 26th April, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

नेपाल नरेश का प्रधान मंत्री को निमंत्रण

***१७४५. श्री विभूति मिश्र :** क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि :

(क) या यह सच है कि नेपाल नरेश ने भारत के प्रधान मंत्री को नेपाल आने का निमंत्रण दिया है ; और

(ख) यदि हां, तो क्या वह निमंत्रण स्वीकार कर लिया गया है ?

वैदेशिक-कार्य मंत्री क सभासचिव (श्री सादत अली खां) : (क) और (ख). जी हां, ये निमंत्रण स्वीकार कर लिये गये है, लेकिन यात्रा की ठीक तारीख अभी नियत नहीं की गई है ।

श्री विभूति मिश्र : में जानना चाहता हूं कि प्राइम मिनिस्टर साहब के अलावा क्या राष्ट्रपति जी और हमारे वाइस प्रेजिडेन्ट (उप-राष्ट्रपति) साहब को भी निमंत्रण दिया गया है ।

श्री सादत अली खां: राष्ट्रपति जी और प्रधान मंत्री जी जा रहे हैं , वाइस प्रेजिडेन्ट साहब ताजपोशी की जो दावत होगी उस में तशरीफ ले जायेंगे ।

Shri Shree Narayan Das: May I know the manner and the form in which the Government of India will participate in that celebration and whether any presents will be given to the King at the time and, if so what?

Shri Sadath Ali Khan: Yes, Sir, a present from the people of India will be taken to the King of Nepal.

श्री एम० एल० द्विवेदी : क्या में जान सकता हूं कि प्राइम मिनिस्टर के अलावा भारत से और भी कोई प्रतिनिधि जा रहे हैं, यदि हां, तो कौन कौन से और वे किस तरह से चुने गये हैं ।

Mr. Speaker: Whether any others have been invited?—is that the question?

Shri M. L. Dwivedi: Whether any other special invitees are there?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): For the coronation the Indian delegation will be composed of the Vice-President, the Deputy Minister of External Affairs and the Secretary-General in the Ministry of External Affairs.

GOA

***1746. Shri D. C. Sharma:** Will the **Prime Minister** be pleased to state:

(a) whether the Indian Police arrested Indians who attempted to enter Goa to offer *Satyagraha* during the months of December, 1955, January and February, 1956; and

(b) whether armed police cordons are still preventing the entry of Indians into Goa?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) No.

(b) The services of the police posted at the India-Goa border to check smuggling are also utilised to prevent the unauthorised entry of Indians into Goa.

Shri D. C. Sharma: What is the strength of the armed police cordon that has been placed on the India-Goa border, and since when has it been stationed there?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I am sure the House will not expect me to reply to that question.

Shri D. C. Sharma: May I know if, besides preventing the entry of these Indians into Goa to offer satyagraha, the police is asked to do any other thing also?

Shri Anil K. Chanda: The usual duties entrusted to the police force at the border.

Shri B. S. Murthy: May I know whether it is a fact that some of the Goans who wanted to enter India as refugees have been prevented and, if so, for what reasons?

Mr. Speaker: That question, I think was put some time ago.

Shri Anil K. Chanda: Only a few days ago I had said that each case is decided on its individual merits.

HANDICRAFTS

***1747. Shri S. C. Samanta:** Will the Minister of **Production** be pleased to state :

(a) the extent to which the Indian handicrafts exhibited in Leipzig fair have attracted the attention of various foreign countries ; and

(b) whether East Germany is going to import these products in sufficient quantity?

The Minister of Production (Shri K. C. Reddy): (a) Handicrafts products, amongst other exhibits attracted considerable attention of visitors from various countries. East German Government have already taken over on consignments basis the entire quantity of handicrafts products worth 1·82 lakhs ; the extent of interests taken by other countries is not known.

(b) Prospects for further imports by East Germany are good.

Shri Kasliwal: May I know, after this Leipzig fair what is the percentage of increase in the exports of Indian handicrafts?

Shri K. C. Reddy: Percentage of increase in exports as compared to the exports in what years?

Shri Kasliwal: Last year, before the Leipzig fair.

Shri K. C. Reddy: I am afraid we have not maintained separate accounts of the exports of handicrafts products; they are lumped under the general exports. But now we are trying to separate handicrafts, and when that separation is effected we will be in a position to say what has been the increase in handicrafts only from year to year.

Shri S. C. Samanta: Is it not a fact that Mr. Meinhardt, Director of the Leipzig Fair, came to India? If so, may I know whether he visited all the parts of India and also inspected the handicrafts of India and whether he has given any assurance that more imports will be made by them of these products?

Shri K. C. Reddy: I would request the hon. Member to give separate notice of the question.

Shri A. M. Thomas: May I enquire what exactly has been the total investment of the Government on this fair? The Report on Handicrafts indicated that the goods were worth Rs. 1,25,000. May I know whether it was sold to the East German Government at a profit, or what exactly is the reason for this disparity?

Shri K. C. Reddy: The hon. Member is raising a matter of accounting detail. I have got figures here, the break-up of the entire expenditure on the participation of the Handicrafts Board in this exhibition. Something is expenditure incurred in India ; something is expenditure incurred in East Germany over various items. Unless we go into all the items it will not be possible......

Shri A. M. Thomas: The total amount.

Shri K. C. Reddy: The total amount invested by the Government is not expected to exceed Rs. 1·25 lakhs. That is the figure I have got here. And goods worth Rs. 55,000 which were already there, which had been sent for some other exhibitions, were also sent to this exhibition. So you have to add this figure of Rs. 55,000 to the Rs. 1,25,000.

Shri K. P. Tripathi: May I know if these two complaints have come to the notice of the hon. Minister, firstly that standards of these are not maintained and, secondly, that if bulk orders are placed sufficient quantities are not available? If so, may I know what steps are being taken in this direction?

Shri K. C. Reddy: Steps are being constantly taken to improve the quality of these goods. I think from year to year we are improving the quality of these goods. As regards bulk orders, I do not think that there is scope for a large increase in bulk orders so far as handicrafts goods are concerned, because the very nature of the goods is such that you cannot expect bulk orders.

URBAN HOUSING

***1748. Shri Gadilingana Gowd:** Will the Minister of **Works, Housing and Supply** be pleased to state the financial assistance which the Union Government have offered to the Andhra Government for slum clearance?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): No specific assistance for slum clearance has so far been offered to any State Government.

Shri Gadilingana Gowd: May I know if the Government has any scheme in the Second Five Year Plan to give assistance to the States for slum clearance purposes and, if so, may I have the details of that scheme?

Shri P. S. Naskar: A formal slum clearance scheme has been drawn up and will be communicated to State Governments shortly, requesting them to work out the detailed projects on the lines indicated in that scheme and to furnish to this Ministry their precise requirements urgently.

Shri B. S. Murthy: May I know whether the Andhra State has asked for any assistance in this particular respect and, if so, whether that application is still pending?

Shri P. S. Naskar: In a letter dated the 28th March, 1956, the Andhra Government have written to say that they have included in the Second Five Year Plan of the State Government a provision of Rs. 12 lakhs for giving assistance to local bodies for the slum clearance schemes and have desired that the Government of India might sanction the necessary loan and subsidy for the purpose.

Shri Gadilingana Gowd: May I know if any survey has been conducted in Andhra State for the sums to be given as assistance for slum clearance?

Shri P. S. Naskar: That is for the Andhra Government to decide.

Shri Ramachandra Reddi: What were the reactions of the State Governments in regard to the enquiries of the Central Government about their requirements for slum clearance?

Shri P. S. Naskar: The State Governments will be notified shortly to state their precise requirements.

Shri Thimmaiah: Is it not a fact that some one year back the Central Government asked for schemes from State Governments, and several State Governments requested the Central Government for financial aid for slum clearance in important cities in different States; and, if so, what action has Government taken on those schemes sent by the State Governments?

Shri P. S. Naskar: No tangible progress could, however, be made in this field in the First Five Year Plan, because the local bodies regretted their inability to proceed with slum clearance with the help of Central loans only; they said that slum clearance being clearly a deficit proposition, an adequate measure of Central subsidy was absolutely essential. But the Government of India could not make available during the First Five Year Plan any funds on account of the competing claim of other development schemes and the limited resources available.

INDIAN HIGH COMMISSION IN AUSTRALIA

***1752. Mulla Abdullabhai:** Will the **Prime Minister** be pleased to state:

(a) the rent paid during 1953-54 for the office and residential buildings of the Indian High Commission in Australia; and

(b) the corresponding amount of the year 1950-51?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Rs. 62,861.

(b) Rs. 33,890.

Shri Kasliwal: May I know whether now the office and residential buildings of the Indian High Commission in Australia are in keeping with the prestige and dignity of our country.

Shri Sadath Ali Khan: Of course.

Shri B. S. Murthy: May I know whether Government are trying to have permanent accommodation for our High Commission in Australia?

Shri Sadath Ali Khan: Yes. It is proposed to construct a new chancellery building, High Commissioner's residence and other residences there.

Shri B. S. Murthy: At what cost?

Shri Sadath Ali Khan: I cannot tell the cost off hand now.

श्री विभूती मिश्र : म जानना चहाता हूं कि क्या मकान से प्रतिष्ठा होती है या गुनोंसे होती हैं

श्री सावत अली खां : यह तो अपनी अपनी राय है ।

MINISTER'S SPEECHES

***1753. Shri Gidwani:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that Government have published collected speeches of any of the Ministers of the Union Government;

(b) if so, the names of the Ministers; and

(c) whether there has been any loss in the venture?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes. Books containing speeches of certain Ministers were brought out not only for the intrinsic quality of the speeches but also because they relate to the activities and policies of the Government of India and supply authentic information about them.

(b) During the last three to four years collections of speeches by the Prime Minister, the late Sardar Patel and Maulana Azad, Minister of Education have been published in book-form.

(c) Some of the publications have already been sold out and there is a demand for a second edition. Progress of sale of others also indicates that they will soon be exhausted. Government have made a profit on those sold out and expects to do the same in the others.

Shri Gidwani: What is the total number of copies that has been published, and what is the total cost incurred for each Minister?

Dr. Keskar: If you will permit me, I will read out. It is a long list but I can say that the largest number printed is the speeches of the Prime Minister, about 15,000 copies. As regards the others, the number is about 5,000 each.

Shri Kamath: The Minister stated that certain speeches of certain Ministers have been published in book form. May I know who selects these speeches among the vast mass of literature that appears from day to day in the papers? Does the Minister do it, or does his Ministry do it or a Cabinet Committee or Sub-Committee does it? If not, which other agency sees to it that dull, tedious and repetitive speeches are not published in book form?

Mr. Speaker: Has the hon. Member gone through any of these speeches.

Shri Kamath: Yes.

Dr. Keskar: Firstly, as far as the words 'dull' and 'tedious' are concerned, it is a question of opinion. I realise that the hon. Member cannot like the speeches.......

Shri Kamath: No, no.

Dr. Keskar: As far as the question of selection of speeches is concerned, it is done by a process of common sense.........

Shri Kamath: Common sense?

Dr. Keskar: If the hon. Member could listen to me without interruption, I could answer.

Shri Kamath: I am all attention.

Dr. Keskar: A large number of the important speeches are selected, and where it is possible, as in the case of the Prime Minister or the Education Minister, they are submitted to them for making a selection of those which are considered most important. In a case like that of the late Sardar Patel, where it is not possible to submit them to him, other Ministers, and the Prime Minister also, see and decide which speeches should be selected.

Shri Velayudhan: May I know whether any book on the activities and speeches of our delegates in the UNO has been published?

Dr. Keskar: No speeches as such. But about the activities of UNO, there are brochures published, but not by this Ministry.

श्री एम० एल० द्विवेदी : हमारी सरकार के मिनिस्टर विदाउट पोर्टफोलियो (विना विभाग मंत्री)ने विदेशों म हमारी नीति को बहुत सफलता पूवक प्रतिपादित किया है । इस चीज को देखते हुए, क्या यह सच है कि सरकार उनकी स्पीचस (भाषणों) को छाप रही हैं, यदि नहीं, तो क्यों नहीं ?

Mr. Speaker: It is a suggestion for action.

गंधक के तेजाब के मूल्य

*१७५४. **श्री के० सी० सोधिया :** क्या **वाणिज्य और उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत में तैयार किये गये गंधक के तेजाब का मूल्य विदेशों में तैयार किये गये तेजाब के मूल्य से अधिक है ;

(ख) यदि हां, तो दोनों के मूल्य में प्रति पौंड कितना अन्तर है ;

(ग) क्या सरकार ने इस बात की जांच की है कि भारत में बने गंधक के तेजाब का मूल्य इतना अधिक क्यों है ;

(घ) यदि हां, तो जांच के परिणामस्वरूप क्या सुझाव प्राप्त हुये हैं ;

(ङ) क्या इन सूझावों को कार्यान्वित किया गया है; और

(च) यदि हां, तो किस हद तक ?

उद्योग मंत्री (श्री कानूनगो) : (क) तथा (ख). भारत में गंधक के तेजाब का विक्रय मूल्य ब्रिटेन की अपेक्षा लगभग ३० रुपये प्रति टन अधिक है ।

(ग) से (च). विकास परिषद (तेजाब और उर्वरक) ने इस प्रश्न पर गौर किया और यह सिफारिश की है कि गन्धक के तेजाब का उत्पादन किफ़ायत के साथ करने के लिये केवल बड़े आकार के संयंत्र ही स्थापित करने की अनुमति दी जानी चाहिये । नये कारखाने स्थापित करने के लाइसेंस देते समय इसे ध्यान में रखा जाता है ।

Shri B. S. Murthy: May we have a translation in English?

Mr. Speaker: The hon. Member will kindly give the English translation.

Shri Kanungo: I am sorry for my deficiency in Hindi. (a) and (b). The selling price of sulphuric acid in India is about Rs. 30 per ton more than that in the U.K.

(c), (d), (e) and (f). The Development Council (Acids and Fertilizers) went into this question and recommended that to produce sulphuric acid at economic prices, only large-sized plants should be allowed to be set up. This is kept in view while licensing new units.

श्री के० सी० सोधिया : अभी जो कारखाने हैं, उनमें से सब से ज्यादा उत्पादन एक कारखाने में कितना होता है ?

श्री कानूनगो : सारा उत्पादन १,७०,००० टन होता है ।

श्री के० सी० सोधिया : सब से बड़े कारखाने में कितना उत्पादन होता है, यह मेरा सवाल था ।

श्री कानूनगो : यह मैं नहीं कह सकता ।

श्री के० सी० सोधिया : कितनी क्षमता के कारखाने खोलने की संसथा ने अनुमति दी है ?

श्री कानूनगो : जब ज्यादा उत्पादन होगा तभी क़ीमत. कम होगी ।

सेठ अचल सिंह : क्या मंत्री महोदय बताने की कृपा करेंगे कि बाहर के मुल्कों से कितना सलफ्यूरिक एसिड इंडिया में इम्पोर्ट (आयात) किया गया था ?

श्री कानूनगो : इसके लिये नोटिस चाहिये ।

Shri Sarangadhar Das: May I know what is the size of the plant that has been recommended by the Council ?

Shri Kanungo: It all depends on whatever raw materials they have to use. The size will vary according to the raw materials to be used.

TRAINING CENTRES IN DISPLACED PERSONS' COLONIES

***1755. Shri Radha Raman:** Will the Minister of **Rehabilitation** be pleased to state :

(a) whether Government have finalised a scheme under which training-*cum*-production centres on the basis of the Ambar Charkha, will be established in displaced persons' colonies and townships ;

(b) if so, where these centres will be set up and the total number of centres proposed ; and

(c) the investment Government have proposed to make on this scheme?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) to (c). As stated in reply to Starred Question No. 919 answered in this Sabha on 28th March, 1956, this matter is under consideration.

Shri Radha Raman: May I know how long the Government will take to finalise this scheme? What is in the mind of Government with regard to the use of Ambar Charkha and in what quantity, in these centres?

Shri Mehr Chand Khanna: The second part of the question may be referred to the concerned Ministry. But as far as the first part of the question is concerned, I can assure the hon. Member that we are very anxious in the Ministry of Rehabilitation to introduce Ambar Charkha in our refugee colonies with a view to providing employment to the displaced persons there.

Shri Bhagwat Jha Azad: May I know whether it has been assessed as to what will be the employment potentiality of these schemes, if implemented?

Shri Mehr Chand Khanna: That is exactly what we have referred to the All-India Khadi and Village Industries Board to find out.

CONSTITUTION FOR MALAYA

***1756. Shri Shivananjappa:** Will the **Prime Minister** be pleased to state:

(a) whether the Government of India have decided to accept the U. K. Government's invitation to nominate a member to the Independent Constitutional Commission to draft a Constitution for Malaya ; and

(b) if so, who has been nominated as Government of India's representative on the Commission?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) Selection of a representative to be nominated is under consideration.

Shri Shivananjappa: May I know who are the other members of the Commission, and when the Commission will start functioning?

Shri Sadath Ali Khan: The Commission is expected to start functioning by the end of May. The Commission will have a Chairman from the U.K. The other members are from Canada, Australia, India and Pakistan.

Shri Shivananjappa: There was a demand by Indians of Malaya for reservation of seats in the future constitutional set-up of Malaya. May I know whether this aspect of the question will be taken into consideration while drafting the Constitution?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I think it is a premature question.

Shri Veeraswamy: May I know whether any time limit has been fixed for drafting the Constitution.

Shri Sadath Ali Khan: It will take two years.

Shri Kamath: Before coming to a final decision about nominating our representative on the committee, does Government propose to consider the names of Dr. Ambedkar or other members of the committee which drafted the Indian Constitution?

Shri Sadath Ali Khan: All names worthy of consideration will be considered.

SMALL INDUSTRIES SERVICE INSTITUTES

***1757. Shri Ram Krishan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have decided to set up a number of Small Industries Service Institutes at different places in India to promote Small Scale Industries in the Second Five Year Plan;

(b) if so, the places where such Institutes would be located; and

(c) the estimated expenditure to be incurred on each of these Institutes?

The Minister of Industries (Shri Kanungo): (a) Yes, Sir.

(b) As at present proposed during the current year Institutes will be located one each at Rajkot, Ludhiana, Patna, Hyderabad and Trivandrum with Branch units at Allahabad, Shillong, Cuttock, Indore and Bangalore. It is possible one or two more Branch units might be started. During the Second Five Year Plan period, it is proposed that each State will have at least one Institute.

(c) The estimates are being worked out.

श्री रामकृष्ण : क्या मैं जान सकता हूं कि इन इस्टीटयूटस (संस्थाओं) में किन किन इंडस्ट्रीज (उद्योगों) की ट्रेनिंग (प्रशिक्षण) दी जायेगी ?

श्री कानूनगो : इनमें ट्रेनिंग का सवाल नहीं है। ये तो सरविस इंस्टीटयूटस (सेवा संस्थायें) हैं। जिस ईलाके में ये होंगे उस इलाके की उन्नति करने की कोशिश की जायेगी।

Shri Shree Narayan Das: May I know whether any assessment has been made with regard to the personnel required to man all these institutes and whether any arrangement has been made for the training of such personnel?

Shri Kanungo: Assessment has been made and no special training is necessary except in service training and adequate personnel, it is expected, will be available.

Shri A. M. Thomas: May I enquire whether any of the Branch Institutes have started functioning and what is the average strength of technical officers in each Institute?

Shri Kanungo: Some of the Branches have started functioning. Usually, a Branch Institute consists of an Assistant Director and a few technical officers and field officers.

Shri S. V. Ramaswamy: What is the basis on which these Branch Institutes are located? Is it because in those places there are small-scale industries or is it on any other basis?

Shri Kanungo: It is generally on the basis of where access by small industrial units to the Institute would be easier.

Shri B. S. Murthy: May I know whether it has been brought to the notice of the Ministry that the area allotted to each of these Institutes is rather large and, therefore, effective guidance could not be given; and, if so, what arrangements are being made in this respect?

Shri Kanungo: I am afraid there is a little confusion. The main Institutes have large areas and that is why Branch Institutes are being organised and we expect that each State will have one Branch Institute.

ECONOMIC DEVELOPMENT SCHEMES IN ORISSA

***1758. Shri Sanganna:** Will the Minister of **Planning** be pleased to state:

(a) whether any schemes of economic development outside the First Five-Year Plan have been launched in the State of Orissa by the Government of India;

(b) if so, what are they; and

(c) whether the State Government have been asked to contribute anything towards it?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (c). The hon. Member presumably wants to have information about the Centrally sponsored schemes executed in Orissa. A statement is laid on the Table of the House indicating these schemes and the contribution made by the Government of Orissa during the First Five Year Plan. [*See* Appendix X, annexure No. 28]. I should, however, point out that though the schemes are not included in the State Plan as such, they form part of the National Plan.

Shri Sanganna: May I know whether the amounts shown in the statement are inclusive of the amounts allotted to the Government of Orissa during the first Five Year Plan?

Shri S. N. Mishra: Yes, Sir. All the amount that was given to the Government of Orissa for the implementation of the schemes under Plan is included.

Shri Sanganna: May I know whether all the schemes shown in the statement have been completed during the First Five Year Plan period and if not, which of the schemes have been carried over to the Second Five Year Plan.

Shri S. N. Mishra: For that, I would require separate notice.

Shri Sanganna: May I know the reasons why these schemes have not been included in the First Five Year Plan and whether they are not also included in the Second Five Year Plan as a carry over of the schemes which were incomplete during the First Five Year Plan?

Shri S. N. Mishra: I have already submitted that they are part of the national Plan.

सीमा घटनायें (पश्चिमी पाकिस्तान)

***१७५६. श्री रघुनाथ सिह्:** क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि कराची में सीटो-सम्मेलन होने के बाद पाकिस्तानियों ने कितनी बार पश्चिमी पाकिस्तान की ओर से भारतीय सीमाओं का उल्लंघन किया और उन पर आक्रमण किया है?

वैदेशिक-कार्य मंत्री के सभासचिव (श्री सादत अली खां) छः बार।

श्री रघुनाथ सिंह : इसमें कितने आदमी घायल हुए और कितने आदमियों की हत्या हुई ?

श्री सादत अली खां : १७ और १६ मार्च को फीरोजपुर जिले में, फीरोजपुर हडवर्क्स के पास जो हादसा हुआ, उसमें हमारी सेना के चार आदमी मारे गये और २१ आदमी जख्मी हुए ।

Shri D. C. Sharma: May I know how many times the air space has been violated during the very same period?

Shri Sadath Ali Khan: I am talking about the earth and not about air.

Shri D. C. Sharma: May I know what action Government has taken to prevent the recurrence of these border incidents?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): This is a matter which has been referred to many times on the floor of this House. And, the Prime Minister, only a few days ago said that it is impossible to completely prevent a recurrence of incidents of this nature, considering the long border line involved. But, every possible effort is taken to prevent such incidents.

डा० राम सुभग सिंह : क्या यह सही है कि कराची सम्मेलन के तुरंत पहले रन आफ कच्छ में जो पाकिस्तान की ओर से हमला हुआ था उसमें अमरीकन आर्म्स (शस्त्र) इस्तेमाल किये गये थे, और क्या उसी से उत्साहित होकर उन्होंने बार बार उसके बाद हमला करना प्रारम्भ कर दिया ?

श्री सादत अली खां : इस सभा में पहले बतलाया जा चुका है कि अमरीकन आर्म्स तो पाये नहीं गये । जो हथियार हमने उनसे पकड़े हैं उनमें कोई हथियार अमरीका का बना हुआ नहीं है ।

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूं कि क्या पाकिस्तान और हिन्दुस्तान के बीच में बाउंडरी (सीमा) को सैटिल (तय) करने के लिये, जिससे कि ऐसे हमले न हो सकें, कोई कमीशन बैठा है, और क्या पाकिस्तान और हिन्दुस्तान ने मिलकर कोई काम किया है, यदि हां तो इसमें अब तक क्या तरक्की हुई है?

Shri Anil K. Chanda: The two Directors-General of Survey have met recently and they are having details worked out.

Shri M. L. Dwivedi: How much of the plan has been worked out.

Shrimati Khongmen: Are Government aware of similar violent attacks made by the Pakistanis on the eastern frontier; and if so, what is the number of such occasions?

Mr. Speaker: This question refers to West Pakistan.

Sardar Iqbal Singh: In view of the fact that according to the Pant-Mirza agreement some arms have been taken away from civilian population living in those areas, will Government consider the restoration of these arms?

Shri Sadath Ali Khan: I have no information that any arms have been taken away from civilian population.

Sardar Iqbal Singh: Will the hon. Parliamentary Secretary make enquiries and lay a statement on the Table of the House?

Shri Sadath Ali Khan: I shall make enquiries.

AGREEMENT WITH U. S. S. R.

***1760. Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state the estimated value of the cottage industries products which the Soviet Union will buy under the recent trade agreement between India and U.S.S.R.

The Minister of Commerce (Shri Karmarkar): Presumably the hon. Member is referring to the joint Indo-Soviet Communique issued on December, 1955, which states, amongst other things that the U.S.S.R. would increase substantially her purchases from India. The Communique does not specify the commodities which the U.S.S.R. will buy from India or their quantity or value. We, however, believe that the Soviet Trade Representation in India intends to make purchases of a substantial quantity of handicraft goods also.

Shri A. M. Thomas: May I enquire whether coir mats and mattings are included in the list?

Shri Karmarkar: I think, we should like to export every kind of article. I look forward to Russia buying some coir mats and mattings.

Shri B. S. Murthy: May I know whether the list includes lace goods also?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I do not think so.

Mr. Speaker: Why not a list be placed on the Table of the House if the hon. Member wants to know the details of the manufacture in several States?

Shri Karmarkar: The list depends upon what they propose to buy from us.

Shri C. R. Chowdary: May I know whether any list has been prepared showing the articles which are surplus in our country and which are offered to them for their consideration so that they may say which of the articles they will be prepared to purchase?

Shri T. T. Krishnamachari: My hon. friend's suggestion is being actually carried out and I can also tell my hon. friend that the programme of purchases which I saw yesterday more or less completes the credit that they have now, that is to say, it equates the purchases that we have made from them. This is a matter which has to go on on the basis of mutual agreement. For the needs of the two countries, it is not possible for us to say that this particular article will be taken or that particular article will be taken.

SMALL SCALE INDUSTRIES

***1763. Shri shree Narayan Das:** Will the Minister of **Commerce and Industry** be pleased to state the amount of expenditure incurred so far by Government as partial payment of the additional staff employed by the State Governments in their Industries Departments to deal with Small Scale Industries?

The Minister of Industries (Shri Kanungo): Nil so far, as the State Governments have not yet sent us the statement of actual expenditure incurred by them during 1955-56 for the additional staff employed by them. On receipt of these statements, 50% of the expenditure would be sanctioned by the Central Government.

Shri Shree Narayan Das: May I know the names of the States which have so far agreed to participate in the scheme which has been drawn up by the Indian Government in this sphere?

Shri Kanungo: All of them have agreed.

Shri Shree Narayan Das: May I know whether the Government of India is aware which of the States have so far appointed the District Magistrate as the Chief Development Officer in that district?

Shri Kanungo: We are not aware of the appointments by the State Governments of their own officers, but we will know the special officers appointed for this purpose only when we receive the statement from them.

Shri Shree Narayan Das: May I know the total amount that the Government of India will spend or require for the implementation of the scheme?

Shri Kanungo: We have offered 50 per cent of the cost of entertaining such staff; it will vary according to the different States.

INDIAN GREEN TEA

***1765. Shri Hem Raj:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Indian Green Tea is losing its markets in Afghanistan;

(b) if so, the cause thereof; and

(c) the steps Government have taken or propose to take to popularise it once again?

The Minister of Commerce (Shri Karmarkar): (a) There has been some decline in the export of green tea to Afghanistan.

(b) Production of green tea has also declined in the last 4 years.

(c) Government are looking into the matter.

Shri Hem Raj: May I know whether the Japanese green tea is better in taste and quality than the Indian green tea, and if so, what steps the Government propose to take for improving our tea?

Shri Karmarkar: We had received no complaint or dislike about our tea from those sources where it is exported from here. About the Japanese green tea, I can say that it is not quite tasty and that their universities are making researches to decrease the bitterness of their tea.

Shri Hem Raj: Is it not a fact that the traders coming from Afghanistan to Amritsar tell us that the Japanese tea is better than Indian tea? Are the Government taking any steps to develop our green tea?

Shri Karmarkar: My hon. friend can easily appreciate that a particular taste of a particular person is not the criterion for the Government to go by. Many others are there who say that our tea is as good as the Japanese tea. There are, however, difficulties, as you know, which the Punjab Government and we are trying to tackle.

श्री भक्त दर्शन : क्या इस बात पर भी विचार किया गया है कि यदि अफगानिस्तान या दूसरे देशों में इस हरी चाय की खपत; नही हो सकती तो अपने देशमें इस हरी चाय की खपत बढाने के लिए क्या कोई प्रयत्न किया जारहा है ?

श्री करमरकर : माननीय सदस्य अगर इसमें कोई हमारी मदद करेंगे तो हम भी इसके लिए कोशिश करेंगे ।

Shri C. R. Chowdary: May I know the total production of green tea in India and how much of it is being exported and how much is being consumed internally?

Shri Karmarkar: I have got the figures for 1954, the latest complete figures. For Kangra, it is 1,578,853 lbs. The total green tea for 1954 is 6,685,268 lbs. The figures are not available for 1955. The total exports during 1954-55 were 2,820,812 lbs. as against 4,238,194 lbs. in 1952-53.

Shri Bhagwat Jha Azad; The answers to part (b) and part (c) are in the affirmative. I would like to know by what percentage the production of green tea has gone down and what steps are taken to revive it.

Shri Karmarkar: There are certain difficulties that are being encountered by tea growers in the Punjab and, I should think, on a smaller scale in the Dehra Dun District. In Kangra District, one of the principal difficulties is that the estates are too small and some of them are uneconomic. We have proposed that production be taken on a co-operative scale and the Punjab Government are looking into the matter and trying to help them.

बच्चों के चलचित्र

*१७६७. **श्री के० सी० सोधिया :** क्या **सूचना और प्रसारण** मंत्री यह बताने की कृपा करेंगे कि बाल चलचित्र संस्था (चिल्डरेन्स फिल्म सोसायटी) को अभी तक सरकार द्वारा कितनी राशि का अनुदान मिला हैं ?

सूचना और प्रसारण मंत्री (डा० केसकर) : २,३०,००० रुपये ।

Shri K. C. Sodhia *rose*—

Mr. Speaker: The hon. Member gets up a minute later and in the meanwhile he must have his questions ready. I will call him up after Shri Radha Raman puts his question.

Shri Radha Raman: May I know if the Society has got its own funds and if it has, what the amount out of the sum just mentioned?

Dr. Keskar: The amount that has been mentioned is the grant given by Government specifically for the purpose of producing a certain number of films. It has nothing to do with the Society's own funds.

Mr. Speaker: Shri Sodhia may now put his question.

श्री के० सी० सोधिया: सोसाइटी ने हर क़िस्म की कितनी फ़िल्में तैयार की हैं ?

डा० केसकर : सोसाइटी बने अभी कुछ ही महीने हुए हैं और आरम्भ में इस के संगठन में जो दिक्क़तें हुई हैं उनको देखते हुए यह मुमकिन नहीं था कि वह एकदम कोई फ़िल्म बनाये लेकिन जहां तक मुझे मालूम हुआ है सोसाइटी इस वक्त बच्चों के लिए तीन फ़िल्में तैयार कर रही है जो कि क़रीब क़रीब आधी से ज्यादा बन चुकी हैं ।

Shri T. S. A. Chettiar: May I know what is the basis on which these grants are given and whether it is full grant or only a part of the expenditure is being granted?

Dr. Keskar: This was explained in detail in a statement some time ago, but I would like to repeat it here briefly. Government had given a grant for the production of two feature films for children for the whole expenditure, and 50 per cent on another feature film, the other 50 per cent naturally being spent by the Society itself.

श्री राधारमण : अभी माननीय मंत्री ने यह बताया कि यह सोसाइटी तीन फ़िल्में बनायेगी, तो मैं यह जानना चाहता हूं कि क्या यह सोसाइटी उन फ़िल्म प्रोड्यूसर्स से जो कि प्राइवेट फ़िल्में बनाते हैं, उनमें कुछ बच्चों की फ़िल्में भी बनवायेगी ?

डा० केसकर : सोसाइटी के काम करने के तरीक़े पर और उसके संगठन पर एक पुस्तिका जो हमने छपवाई थी और जो सब मेम्बरों को बांटी गई थी, उसमें सब तफ़सील दी गई है, लेकिन मैं इतना बता सकता हूं कि इस सोसाइटी में तीन बहुत ही मशहूर फ़िल्म प्रोड्यूसर्स इसके मेम्बर हैं और वे बच्चों की फ़िल्म बनाने की कोशिश करेंगे ।

Shri Velayudhan: May I know who are the directors or managing director or chairman of the Children Film Society and whether any advice or direction is given on the type or pattern of films to be produced?

Dr. Keskar: The Society is an independent body, which is registered, and as such it is not possible for Government to give any direct advice to the Society. The Chairman is Pandit H. N. Kunzru. The number of members being large, it will not be possible to give here all the names, but as I said in the answer in Hindi, the brochure produced by the Society was circulated to Members of Parliament some time back, and if the hon. Member wants, I can again give him a copy.

Shri Mohiuddin: It was stated that Government had agreed to grant the whole or 50 per cent of the cost. Is there any agreement as regards the sharing of profits arising out of these pictures.

Dr. Keskar: The question of profits, I am afraid, will come rather very late. But for the moment, there is the question of sharing the losses. To that extent, Government has agreed to help the society as much as it can. There is no permanent agreement as such. Government is agreeable to the objective of the society. Two or three important Ministries of the Government are represented in the society itself and we will help as much as we can from time to time.

Shri K. C. Sodhia: What is the amount that is likely to be given to this society in this Budget?

Dr. Keskar: I have mentioned the amount in the answer.

EXPORT OF TILES

***1768. Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the recommendation of the Export Promotion Committee to study the exact demands of foreign markets in the matter of packing and specifications of tiles has been accepted and carried out;

(b) if so, with what result; and

(c) which countries have greater demands?

The Minister of Commerce (Shri Karmarkar): (a) and (b). The recommendation was brought to the notice of the manufacturers. They assured the Government that they were fully aware of the need for careful packing and keeping up the quality of tiles intended for export. Government have not received any complaints recently about the packing or quality of tiles exported from India.

(c) Kenya Colony, Tanganyika, Pakistan, Burma, Celyon, Federation of Malaya, Singapore and Australia.

Shri S. C. Samanta: Which are the parts in India which produce these tiles and from which port are they exported?

Shri Karmarkar: I think, largely, South Kanara.

Shri S. C. Samanta: May I know if there was any complaint from Australia about the packing and if so, what steps were taken after that?

Shri Karmarkar: It is an old story. This arose out of the recommendation of the Export Promotion Committee set up in July 1949. Referring to these tiles, they said that demands from Australia have been coming in for some time past and that they were not packed as they should have been. After that, we brought this complaint to the notice of the manufacturers. There have been no recent complaints.

Shri A. M. Thomas: The manufacturers are mostly distributed on the west coast and they have recently lost many of their traditional markets. The matter was enquired into by the Commerce Ministry. May I enquire whether the Ministry has been able to do anything in the matter of expansion of demands in the foreign markets?

Shri Karmarkar: I require notice for this question. But we shall be happy to do all that is possible to promote exports of these tiles.

Shri N. B. Chowdhury: May I know the present volume of export and also whether it has declined as compared with last year or the year before the last?

Shri Karmarkar: These figures are available in the monthly publications in the library. They show a small decline.

SMALL AND MEDIUM SCALE INDUSTRIES

***1769. Shri D. C. Sharma:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether any scheme for small and medium scale industries has been formulated for inclusion in the Second Five Year Plan to overcome unemployment among the refugees; and

(b) if so, what is its nature?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) Yes.

(b) The scheme contemplatės the grant of certain facilities to industrialists who are willing to set up industries in refugee townships/colonies and whose schemes are found to be technically sound. The facilities includes allotment of factory buildings on rental basis for a period of seven to ten years with the option to purchase them; grant of loans upto 50% of the value of machinery installed; and supply of water and electricity at rates comparable to those prevailing in the neighbouring industrial areas.

Shri D. C. Sharma: May I know if any tentative scheme has been formulated with regard to (a) townships, (b) colonies and (c) factories? What is the amount to be spent on these three items separately?

Shri Mehr Chand Khanna: Up till now, about forty schemes have been sanctioned involving an investment of over Rs. 267 lakhs on the part of the

Government. Those schemes are likely to provide employment to about eleven to twelve thousand displaced persons. Eleven schemes out of these forty have already started functioning.

Shri D. C. Sharma: I think the Ministry made a survey of some townships so far as unemployment is concerned. Will the Minister be kind enough to tell me the approximate number of unemployed refugees at present in these townships and colonies?

Shri Mehr Chand Khanna: It will be a very difficult question to answer. The colonies can be divided under two heads: those which are very near to the cities like Calcutta, Delhi and Bombay—there problem of unemployment among the displaced persons is not very acute—and colonies which are situated at bigger and greater distances from the main cities. There the problem is really very bad.

Shri N. B. Chowdhury: May I know whether the Government has any proposal before it about the prospective employment of refugees in the industries to be set up in the industrial estates to be set up during the Second Plan?

Shri Mehr Chand Khanna: The Ministry deals with certain specific schemes which cater to the needs of certain colonies and townships but the refugees are not debarred from taking their share in other schemes.

Sardar Iqbal Singh: In view of the fact that only one township—Faridabad—has been included in the scheme from Punjab, may I know whether Government will consider that inclusion of the other townships such as Panipat, Khanna, Jullundur, etc. in the scheme so that their industries may be developed.

Shri Mehr Chand Khanna: The first part of the question is not correct. There are a number of townships in Punjab where the scheme has been functioning—for instance, Faridabad, Rajpura......

Sardar Iqbal Singh: Rajpura is not in Punjab. It is in PEPSU.

Shri Mehr Chand Khanna: It may be in PEPSU now but a month or two later, it will become part of Punjab. But, it is not a question of a particular State. It is a question of the quantum of unemployment in particular colonies. If any particular colony or township is brought to my notice by the hon. Member, I shall be too glad to consider it.

Shri Gidwani: May I know whether under these schemes any industry has been started in Ulhasnagar, Sardarnagar, etc. in Bombay?

Shri Mehr Chand Khanna: Four schemes have been sanctioned for Ulhasnagar—the colony which my hon. friend represents. About the stage of implementation of these four if the hon. Member wants any particular information, I shall be too glad to supply that.

Shri Bhagwat Jha Azad: What is the form of employment resulting out of the eleven schemes that have already been implemented?

Shri Mehr Chand Khanna: It is mostly unskilled. But, we are trying to train skilled workers too.

Shri Bhagwat Jha Azad: I would like to know this. What is the form of employment which has resulted out of the implementation of the eleven schemes?

Shri Mehr Chand Khanna: I am afraid I am not in a position to give the number of persons who have secured employment on account of the implementation of these eleven schemes. The number can be 2,000 or even more. If the hon. Member wants specific information, I shall be too happy to supply it.

Shri D. C. Sharma: May I know if the scheme which the Ministry has formulated to overcome unemployment among the refugees also embodies a scheme for training the refugees for getting employment?

Shri Mehr Chand Khanna: As regards this particular industrial scheme there is hardly any question of training. We have a large number of training schemes under our training centre scheme and there, I think—I am talking from memory—in the western zone alone, over about 80,000 displaced persons have already been trained.

CENTRAL INDIA RIVERS COMMISSION

***1770. Shri Gadilingana Gowd:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that the Central India Rivers Commission held its first meeting at New Delhi recently; and

(b) if so, the important decisions arrived at in the meeting regarding the flood problem in the Godavari and Krishna river basins?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) As this was the first meeting of the River Commission it did not discuss any specific problems on these two rivers. The commission had a general appraisal of the flood problems and an overall review of the position. The decisions arrived at were of a general nature applicable to all rivers within the commissions jurisdiction.

Shri Gadilingana Gowd: May I know if the Government is aware of the havoc caused by the Godavari floods in Andhra, and if so, what are the steps taken by the Government to divert the water to irrigation projects?

Shri Hathi: This Commission took note of the damages caused by the flood and after a general review they first decided on the study of the river basins and other flood protection measures.

Shri Gadilingana Gowd: May I know if the Government have taken any immediate action to prevent the anticipated flood havoc from these rivers?

Shri Hathi: The State Government was requested to have a State Flood Control Board and that Government has established such a Board. Immediate flood protection works are being taken by the State Flood Control Board.

Shri B. S. Murthy: May I now how many times this Commission is supposed to meet in a year and whether this Commission will meet in different parts of India?

Shri Hathi: There are no fixed dates or fixed number of times when the Commission should meet. This Commission is meant only for the rivers in Central India and, therefore, it will meet as often as is necessary.

Shri C. R. Chowdary: May I know the names of the rivers that come under the jurisdiction of this Commission?

Shri Hathi: They are the rivers in Central India—Krishna, Godavari, Mahi, Narbada and Tapti.

NATIONAL PLANNING FORUM

***1772. Shri Gadilingana Gowd:** Will the Minister of **Planning** be pleased to state:

(a) whether a National Planning Forum was held in New Delhi on the 14th April, 1956;

(b) if so, the number of persons who participated in the forum;

(c) the main objects of the forum; and

(d) the expenditure incurred thereon?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) The hon. Member refers apparently to the conference of University Planning Forums which was held in New Delhi on the 14th and 15th April, 1956.

(b) About 130 delegates participated in the Conference.

(c) The main objects of the conference were to elicit the comments and suggestions of University teachers and students on the draft plan and to enlist their cooperation in the formulation and execution of the Plan.

(d) Apart from travelling and daily allowances, an expenditure of about Rs. 1,200 has been incurred in connection with this conference.

Shri Gadilingana Gowd: May I know the decisions taken in this meeting and, may I also know, whether the Government have taken any action to implement them?

Shri S. N. Mishra: One of the important decisions taken by them was regarding the setting up of a smaller compact body which could meet more frequently, and I think we should be in a position to implement that decision.

Shri Bansal: May I know on what basis these teachers and students were selected from the various universities and colleges, and will the Government be pleased to lay on the Table of the House a copy of the proceedings of this forum ?

Shri S. N. Mishra: The basis was this in August last the Planning Commission requested the Vice Chancellors of the universities to take steps to constitute planning forums in the universities and constituent colleges. As a result of that a number of planning forums were constituted and their representatives were invited to this conference. Now, so far as laying on the Table the proceedings of this conference is concerned, I think we should be in a position to bring out a brochure which would be placed in the hands of hon. Members.

Shri Bansal: Will it be done before the debate in this House on the Planning Commission's Report?

Shri S. N. Mishra: I am afraid it will take more time than that.

Shri Radha Raman: May I know how many of those who attended were students and how many were teachers?

Shri S. N. Mishra: We had requested each planning forum to send two representatives—one teacher and one student—but uniformly it was not so. Some of the planning forums sent only one representative. Therefore, it is difficult for me to say the exact number of each.

Shri Gadilingana Gowd: May I know if the Government is contemplating to open branches of this institution either on zonal basis or on regional basis?

Shri S. N. Mishra: It is not a question of opening forums on regional or zonal basis, but it is a question of opening forums in the universities and colleges. For co-ordination, of course, there might be some arrangement, if they think fit, either on the regional basis. State basis or on the university basis.

Shri Bansal: In view of the fact that conflicting reports have appeared in the papers about the views of the planning forums and this particular meeting of the forum in regard to certain basic fundamentals of the Plan, will the Government consider the necessity to bring out the proceedings of the recent meeting of the forum before the Draft Plan is discussed by this House?

Mr. Speaker: That is a suggestion. He has already answered that it would not be possible.

Shri Velayudhan: May I know whether it is a fact that such conferences and forums are held in Delhi in large number and the Prime Minister himself, who addressed a conference mentioned that such conferences take away a lot of time of the administration and other aspects of the administration are neglected?

Shri S. N. Mishra: It was mentioned in the welcome address that was given to the representatives that the Conference was being held inspite of the opinion of the Prime Minister, whose indulgence was sought in the given circumstances.

Shri Bhagwat Jha Azad: May I know, as per the request of the Planning Commission to the Vice Chancellors of universities, how many universities have opened planning forums and, may I also know, how many of them sent their representatives to this Conference?

Shri S. N. Mishra: Till now, planning forums have been opened in about 25 universities, but a number of universities—I think about 8 or 9—still remain. We hope that they would also be taking steps in the future.

SURVEY OF POWER ENGINEERING RESEARCH

***1744. Shri Bhakt-Darshan** (*on behalf* **of Shri Krishnacharya Joshi**)**:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether any survey of Power Engineering Research has been made; and.

(b) if so, the nature thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). A Committee was set up in August, 1955, to formulate a programme for research work in respect of problems concerning power engineering development in the country, for inclusion in the Second Five Year Plan. The report of this Committee is expected by the middle of May, 1956.

श्री भक्त दर्शन : इस वक्त देश के विभिन्न भागों में रिसर्च का जो काम किया जा रहा है, इसमें प्रगति लाने के लिए, इस कमिटी की नियुक्ति के सिवाय, कोई और भी कदम उठाये गए हैं, या कोई कार्रवाई की गई है ?

श्री हाथी : पावर रिसर्च के बारे में अभी देश में काम नहीं हो रहा है ।

DEVELOPMENT COMMISSIONERS, CONFERENCE

***1766. Shri Bhakt-Darshan** (*on behalf* **of Shri Krishnacharya Joshi**)**:** Will the Minister of **Planning** be pleased to state:

(a) whether the recommendation of the Third Development Commissioners' Conference held in 1954 to utilize the Panchayats as the institutional pattern of people's organisation has been implemented; and

(b) if so, how many States have implemented this recommendation?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). Generally speaking, the recommendation is being implemented by the State Governments.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आई है कि गांवों में जहां पर पहले पंचायतें थीं और जहां पर विकास का काम उनके द्वारा किया जाता था, सरकार समितियां या इस तरह की दूसरी समितियां भी, बनाई गई हैं जिस के कारण एक कनफ्यूशन सा पैदा हो रहा है । क्या इसके बारे में इस कानफ्रेंस में विचार किया गया ह या गवर्नमेंट इस पर विचार कर रही है कि जितना विकास कार्य है, यह एक ही तरह से हो तथा एक ही समिति के द्वारा हो ?

श्री एस० एन० मिश्र : जी हां,यह तो बिल्कुल स्वाभाविक है कि अगर दो समितियां इस तरह से काम करें तो उसमें कुछ कनफ्यूशन और कुछ गोलमाल हो सकता है । हम लोगों की राय स्पष्ट है कि एक ही समिति को काम करना चाहिए । लेकिन जब कुछ खास तरह की हकीकत होती है तो वेसा भी करना पड़ता है ।

SHORT NOTICE QUESTION

ROURKELA STEEL PLANT

S. N. Q. No. 12. Shri Sanganna: Will the Minister of **Iron and Steel** be pleased to state:

(a) whether it is a fact that there is an acute shortage of drinking water in the area of Rourkela Iron and Steel Project;

(b) whether it is also a fact that workers threaten to leave the area on account of water scarcity; and

(c) if so, the steps taken by Government to relieve the water difficulty?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) No Sir. There is no shortage of drinking water in the area of Rourkela Iron and Steel Project—either in the plant site or in the township.

(b) No Sir. No worker has threatened to leave the area on account of water scarcity, as there is no scarcity whatsoever.

(c) Does not arise.

Shri Sanganna: The hon. Minister has said that there is no scarcity of water in the Rourkela project. May I know how this statement reconciles with the statement made by Shri Biswanath Das, M. P., President of the Utkal Congress Committee, which gave a harrowing report about the scarcity of water in that area?

Shri T. T. Krishnamachari: The hon. Member did table a question a short time back about the supply of water to this Rourkela plant, but he was not in the House to ask the question. When the plant goes into production and when we get an overall picture, we will make provisions for water supply. There is scarcity of water during the summer months. But at the present moment we have all the water that is necessary for the purpose of carrying on the work that we have now undertaken. The town site gets about 90,000 gallons of water a day. The plan site gets 35,000 gallons a day. In addition to this, we are supplying the Rourkela town, at the request of the Orissa Government, about 16,000 gallons a day and about 3,000 gallons to the railway station also. So, the position, so far as the immediate supplies are concerned, is quite all right. The only difficulty is in regard to the future. When the plant goes into production, we will have to make additional provision.

Shri P. C. Bose: What is the present source of water supply? Is it the river bed or wells?

Shri T. T. Krishnamachari: The present source of water supply happens to be wells and the rivers adjoining the Rourkela plant.

Shri Sanganna: On account of the scarcity of water in the area, is it not a fact that the engineers of the Government of Orissa have suggested the construction of a reservoir at the confluence of the rivers Sankli and Koel?

Shri T. T. Krishnamachari: As I said, the hon. Member tabled a question sometime back, that is, on the 10th April. An answer was provided that the matter is now under investigation.

Shri Joachim Alva: In all these big industrial projects, do the Government, through the surveys, satisfy themselves that there is enough and abundant water throughout the year?

Shri T. T. Krishnamachari: Yes, Sir. That is being done before we select the site.

Shri Sanganna: In order to have a real picture of the position of water supply, do the Government intend to send an officer of the concerned Ministry to find out the exact position in this regard?

Shri T. T. Krishnamachari: All this is being done. The hon. Member apparently was concerned about the immediate needs of the area. I said the immediate needs are provided. But if and when the plant goes into production we shall take full care to see that the needs of the plant in regard to water supply are adequately safeguarded.

WRITTEN ANSWERS TO QUESTIONS

INDIAN PRISONERS IN NORTHERN BURMA

***1749. Shri Rishang Keishing:** Will the **Prime Minister** be pleased to state:

(a) whether Government are aware of any Indian Nationals undergoing imprisonment in the Jails of Homalin and Thamanto in Northern Burma;

(b) if so, the number of prisoners; and

(c) the grounds and terms of their imprisonment?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (c) There is no jail in Thamanto and no Indian national is undergoing imprisonment in the jail at Homalin.

HEADQUARTERS OF RIVER VALLEY PROJECTS

***1750. Shri L. N. Mishra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the headquarters of all the Centrally financed river valley projects are in the zone of operation of the respective projects;

(b) if not, the names of project whose headquarters have been located out of the operation zone ; and

(c) the reasons for the same?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) No, Sir.

(b) Kosi, Rihand, Koyna and Nagarjunasagar projects, and the portion of the Chambal Project lying within Rajasthan.

(c) A statement is placed on the Table of the House. [*See* Appendix X, annexure No. 29]

JIRATIA PRAJA

***1751. Shri Dasaratha Deb :** Will the **Prime Minister** be pleased to state:

(a) the policy of Government towards the Jiratia Praja (the Muslim peasants of Tripura who possess land in Tripura but formerly lived in Pakistan) who have already come to Tripura for permanently settling down there as Indian citizens before the introduction of Passport system between India and Pakistan ;

(b) whether it is a fact that the Government of Tripura are not agreeable to accept such Muslim peasants as Indian Citizens ; and

(c) the steps Government propose to take in the matter?

The Deputy Minister of External Affairs (Shri Anil K. Chanda) : (a) to (c). Acquisition of Indian citizenship by a Muslim Jiratia tenant, who is a citizen of Pakistan possessing land but no homestead in Tripura State, is determined in accordance with the provisions of Articles 6 and 7 of the Constitution of India. Any person migrating and fulfilling the requirements of those Articles is accepted as a citizen of India. Those migrants, who are not eligible for Indian citizenship under these constitutional provisions may require citizenship by registration in accordance with the provisions made in Section 5 of the Citizenship Act, 1955 (No. 57 of 1955).

COMMUNITY PROJECT CENTRES

***1761. Shri N. L. Joshi :** Will the Minister of **Planning** be pleased to state :

(a) the number of community project centres and N. E. S. blocks which started functioning in Madhya Bharat in the First Five-Year Plan period ; and

(b) what is the total amount spent thereupon during the period?

The Deputy Minister of Planning (Shri S. N. Mishra) :

(a)	Community Projects	2
	Community Development Blocks. . .	5
	National Extension Service Blocks. . .	14

(b) About Rs. 114 lakhs upto 31-12-1955.

MOVEMENT OF SALT

***1762. Shri H. N. Mukerjee :** Will the Minister of **Production** be pleased to state :

(a) the number of dealers authorised by Government to handle the movement of salt from Kandla railhead to different States ;

(b) whether any complaints have been received in regard to alleged discrimination in favour of a very few dealers in the matter of such movement ;

(c) whether it is a fact that a certain public carrier company hinders the interest of smaller dealers by refusing to allot shipping space to them ; and

(d) the steps, if any, that are being taken in the matter?

The Deputy Minister of Production (Shri Satish Chandra) : (a) There are only two licensed Salt Manufacturing Companies loading salt at Kandla for movement of Salt by rail. No other request has been received by the Government for allotment of wagons.

(b) Wagons are allotted to manufacturers only and not to the dealers.

(c) Government have no information.

(d) No steps are called for until some specific complaint is received.

APPALAM INDUSTRY

***1764. Shri Boovaraghasamy :** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1425 on the 14th April, 1956 and state the conditions on which loans are issued to the "Appalam" manufacturers?

The Minister of Industries (Shri Kanungo) : The loan of Rs. 13,096 was sanctioned to the Government of Madras for the establishment of an Appalam Production Unit as a Departmental Scheme. The loan carries an interest of 4% per annum and is repayable in ten equated annual instalments.

COFFEE

***1771. Shri Krishnacharya Joshi :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether a survey to explore the possibility of increased production of coffee has been undertaken during 1955 ; and

(b) if so, the scope for further expansion of plantation of coffee?

The Minister of Commerce (Shri Karmarkar) : (a) Yes, Sir ; in North Canara, Coorg and Mysore. Survey of other States is in progress.

(b) It is estimated that there is scope for expansion of the cultivated area by 75,000 acres.

DEVELOPMENT OF INDUSTRIES

1494. Thakur Jugal Kishore Sinha : Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table of the Sabha giving separate lists showing the names of the industries included in the category of Handicrafts, Small-Scale, Medium-Scale and Large-Scale Industries and state :

(a) the amount of grants and loan sanctioned to and utilised by the Bihar Government in 1955-56 on different industries of the above categories ;

(b) particulars of the areas with the names of the Industries, the agencies in charge of the execution of the scheme and the estimated cost of each scheme ; and

(c) the progress made so far in pilot schemes of Bihar?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) A statement showing the grants and loans to the State for various industries is attached [*See* Appendix X, annexure No. 30.]

(b) The schemes are executed by the State Government through its own agencies and Government have no further information.

(c) No Pilot Schemes have so far been started.

INDUSTRIAL DEVELOPMENT IN PEPSU

1495. Shri Ram Krishan : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the total amount of loans and subsidy given to the Government of PEPSU for Industrial development during 1955-56 ; and

(b) the total amount of loan and subsidy proposed to be given during 1956-57?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) and (b) A statement is attached. [*See* Appendix X, annexure No. 31.]

TRAINING OF STEEL TECHNICIANS

1496. Shri Ram Krishan : Will the Minister of **Iron and Steel** be pleased to refer to the reply given to Starred Question No. 580 on the 8th March, 1956 and state :

(a) whether the Technical Committee appointed to survey and assess the existing training facilities for iron and steel workers in India has submitted its report ; and

(b) if so, the main recommendations thereof?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) The Committee has recommended that Govt. should recruit skilled technicians from the following sources:

(1) Training Centres run by the Ministry of Labour and State Governments.

(2) The existing Steel Plants;

(3) The Open Market.

The Committee has also submitted a detailed list of suitable engineering works in country with information as to how many trainees can be placed in each for practical training; it has also recommended that special metallurgical courses be arranged for the trainees in:

(1) Indian Institute of Science, Bangalore.

(2) Poona Engineering College;

(3) College of Mining and Metallurgy, Banaras.

(4) Bengal Engineering College.

(5) Indian Institute of Technology, Kharagpur.

FAIR PRICES OF AUTOMOBILES

1497. Shri Ram Krishan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Tariff Commission has completed its enquiry on the fair *Ex*-works and selling prices of automobiles;

(b) if so, the main recommendations thereof; and

(c) if not, the reasons therefor?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) to (c). The enquiry is in progress.

ALL INDIA HANDLOOM WEEK

1499. Shri N. B. Chowdhury: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the information regarding the sale of handloom products in West Bengal during the "All India Handloom Week—1956" has since been made available to the All India Handloom Board by the State Government; and

(b) if so, the quantity and the value of the products sold and the ordinary and the special rebates paid during the same period?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) No, Sir.

(b) Information is being collected from the State Government and will be laid on the Table of the House.

U. N. OBSERVERS IN KASHMIR

1500. Shri Krishnacharya Joshi: Will the **Prime Minister** be pleased to state:

(a) The total number of U.N. Observers on the Cease-fire line in Kashmir, and

(b) the names of countries to which they belong?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The number of U. N. Observers is not fixed but varies from time to time. On the 1st April 1956, their number was 34, coming from the following countries:—

Australia	7
Belgium	2
Canada	5
Chile	2
Denmark	3
Greece	2
Guatemala	1
Holland	1
New Zealand	2
Norway	1
Philippines	1
Sweden	3
U.-K.	2
Uruguay	2

GIFTS FROM U.S.S.R.

1501. Shri M. Islamuddin:
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state the nature of gifts which India has received from U.S.S.R. after the visit of Marshal Bulganin and Mr. Khrushchev?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Agricultural Machinery of various kinds for use in the establishment of a State Experimental Farm, and a passenger aircraft "IL-14-P" were received as gifts from the Soviet Leaders after their visit to India.

ALL INDIA HANDICRAFTS BOARD

1502. Shri Krishnacharya Joshi: Will the Minister of **Production** be pleased to state:

(a) what were the main activities of the All India Handicrafts Board during 1955;

(b) the progress made in the Pottery, Toy-Making, Mat-Weaving and Prints industries during the same period; and

(c) whether there was a satisfactory marketing of handicraft products?

The Minister of Production (Shri K. C. Reddy): (a) The main activities of the All-India Handicrafts Board during 1955-56 were the following:—

(1) Scrutiny of schemes of development of Handicraft Industries prepared by State Governments and institutions and recommendation of suitable financial assistance for such schemes.

(2) Establishment of Pilot Centres for the revival of selected Handicrafts Industries and training of personnel.

(3) Establishment of Design Centres and a Handicrafts Museum.

(4) Promotion of marketing of Handicrafts by organisation and participation in Exhibitions in India and abroad, publicity schemes, assistance to Emporia etc.

(5) Research into the problems of Handicrafts Industries.

(b) The Development of handicrafts is the responsibility of State Governments. However, to supplement their efforts in the development of all these industries financial assistance has been given to many State Governments on the basis of specific schemes received from them. It is understood that satisfactory progress is being made. Handicrafts Board have also started the following Pilot centres for imparting training:—

(1) Blue pottery industry at New Delhi.

(2) Dolls and toy making at Bombay.

(3) Toy-making, at Kondapalli (Andhra).

For further information the attention of the Hon'ble member is invited to the Annual Report of the Handicrafts Board for 1955-56.

(c) There has been a progressive improvement.

पर्यटन

१५०३. श्री अमर सिंह डामर : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि :

(क) वित्तीय वर्ष १९५४–५५ में कितने भारतीयों को राष्ट्रमंडलीय देशों को छोड़ कर अन्य विदेशों में जाने के लिये पार-पत्र दिये गये ; और

(ख) उक्त अवधि में राष्ट्रमंडलीय देशों को छोड़ कर अन्य विदेशों से कितने विदेशी व्यक्ति भारत आये ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री. जवाहरलाल नेहरु) : (क) इसकी सूचना नहीं है । जारी किए गए पासपोर्टों के आंकड़े देशवार या क्षेत्रवार नहीं रक्खे जाते हैं ।

(ख) यह सूचना गृह मंत्रालय से, जिसका इससे संबंध है, ले ली जायगी और सदन की मेज़ पर रख दी जायगी ।

निजी प्रेस

१५०४. श्री के० सी० सोधिया : क्या **निर्माण, आवास और संभरण** मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५५–५६ में भारत सरकार के प्रेसों को दिये गये छपाई के कार्य के अतिरिक्त कुल कितनी कीमत का काम निजी प्रेसों को दिया गया ;

(ख) ऐसे निजी प्रेसों की संख्या कितनी है ; और

(ग) किस-किस प्रेस को सबसे अधिक और सबसे कम काम दिया गया था और कितनी कितनी कीमत का ?

निर्माण, आवास और संभरण मंत्री के सभा सचिव (श्री पी० एस० नासकर) : (क) रुपये ११,६२,९७७–४–०

(ख) ७७

(ग) अलबियन प्रेस, काश्मीरी गेट, दिल्ली को सब से अधिक काम दिया गया जिसका मूल्य ७७,०००) रूपये है। रोल्स प्रिन्ट कम्पनी कलकत्ता को सब से कम काम दिया गया जिसका मूल्य ६,००० रुपये है।

BETCHARA COLONY

1505. Shri Dasaratha Deb : Will the Minister of **Rehabilitation** be pleased to state :

(a) whether it is a fact that Rs. 50 have been compulsorily realised from each Displaced Person of Betchara colony as a fee for holding share of co-operatives ;

(b) whether it is a fact that the supervisor asked the share holders of the co-operatives to give loan document against Rs. 100 to the co-operative, but the actual amount to be given to each individuals as loan is Rs. 50 ; and

(c) if the replies to parts (a) and (b) be in the affirmative the steps Government propose to take?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) No.

(b) No.

(c) Does not arise.

LOAD SURVEY REPORT

1506. Shri Ram Krishan : Will the Minister of **Irrigation and Power** be pleased to lay on the Table of a copy of the load survey report of the States?

The Deputy Minister of Irrigation and Power (Shri Hathi) : The Central Water and Power Commission are engaged in the power load survey of the States. At present only preliminary load survey is being undertaken. So far reports in respect of 6 States, namely, Delhi, PEPSU, Ajmer, Bhopal Manipur and Vindhya Pradesh and the Damodar Valley Corporation area have been prepared ; copies of these reports are being furnished to the Parliament Library. Similar reports in respect of the remaining States will be supplied to the Parliament Library, as and when prepared. A detailed load survey of the country is likely to take 3 years and will be undertaken after the completion of the preliminary survey.

CENTRAL WATER AND POWER COMMISSION RESEARCH STATION, POONA

1507. Shri N. B. Chowdhury : Will the Minister of **Irrigation and Power** be pleased to lay on the Table of the Lok Sabha a statement showing the details of findings as well as recommendations of the Central Water and Power Commission Research Station, Poona, regarding the recession of the Faulta point on the Hooghly river for improving the navigation of Calcutta Port?

The Deputy Minister of Irrigation and Power (Shri Hathi) : In the Faulta-James and Mary Reach the handicaps to navigation are :

1. The eddy in the Faulta bight.
2. Narrowness of the Channel.
3. Deterioration of the Ninan Bar-occurring in the freshest season.
4. Deterioration of the Eastern Gut Bar in the dry season.

The solution suggested was recession of the projection at Faulta Point by 1200 feet with bunds above and below the Damodar outfall.

NEWS SERVICES DIVISION

1508. Shri Siddananjappa : Will the Minister of **Information and Broadcasting** be pleased to state the progress so far achieved in the News Services Division of the All-India Radio since the appointment of a Director?

The Minister of Information and Broadcasting (Dr. Keskar): Ever-since its inception, the Director forms essential part and is Head of A. I. R. News Services Organisation. The question of specifying the progress achieved by the appointment of a Director cannot, therefore, arise.

TEXTILE MILLS IN PONDICHERRY

1509. Shri Krishnacharya Joshi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the steps taken by Government to encourage Textile Mills in Pondicherry after its *de facto* transfer to Indian Union; and

(b) the total number of mills working there?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) After the *de-facto* transfer of Pondicherry to Indian Union the following assistance was given to the textile mills there:

(i) Indian cotton is made available to the mills at a cheaper rate than Pakistan cotton which they used to obtain before *de facto* transfer. The difference in rate is about Rs. 0-12-0 per lb.

(ii) The cloth produced and exported by the Pondicherry Textile Mills is exempted at present from payment of export duty which they used to pay previous to merger, at 4% on the exported cloth to their overseas markets.

(iii) Imports of machinery, spare parts, dye-stuffs chemical required for the rehabilitation of these mills are exempt from the customs duty at present.

(iv) Export of cotton yarn produced by the Pondicherry Mills is allowed without any quantitative restrictions.

(v) The Ministry of Works, Housing and Supply have placed orders on the Pondicherry Mills for fabrics required by the Government Departments, in relaxation of the tender specifications.

(vi) No restrictions have been enforced on the production by the mills on Dhoties till September, 1956 for the present.

(b) There are three Cotton Textile Mills working in Pondicherry.

लोक-गीतों का प्रसारण

१५१०. श्री भक्त दर्शन : क्या **सूचना और प्रसारण** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या आकाशवाणी के दिल्ली केन्द्र से हिन्दी की विभिन्न बोलियों में लोकगीतों और संवादों को प्रसारित करने का कार्यक्रम १९५५–५६ में भी जारी रखा गया ; और

(ख) यदि हां, तो उक्त अवधि में भिन्न-भिन्न बोलियों में कितने-कितने कार्यक्रमों को प्रसारित किया गया ?

सूचना प्रसारण मंत्री (डा० केसकर) : (क) जी, हां ।

(ख) एक विवरण सभा की मेज़ पर रखा जा रहा है । [**देखिये** परिशिष्ठ १०, अनुबन्ध सं ३२]

CEMENT IMPORTS

1511. Shri Bahadur Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government have appointed M/s. Cement Marketing Company of India Limited (setting agents of M/s. Associated Cement Cos. Limited) as the sole distributor throughout the country for the entire quantity of the imported cement;

(b) if so, the terms and conditions on which they have been appointed;

(c) whether one of the terms and conditions of the appointment for distribution of cement stipulated that the entire quantity of the imported cement would be distributed without any charge and on a "no-profit no-loss" basis;

(d) the amount that will be charged per ton by this party as clearing, forwarding, financing, and distribution charges;

(e) whether their charges are less or higher as compared to the charges demanded by other firms who also applied for this contract:

(f) the number of firms which applied for the contract to supply the imported cement; and

(g) the considerations taken in view in giving the entire quantity of the imported cement to only one distributor ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) to (g). A statement is attached. [*See* Appendix X. annexure No. 33]

ROADS IN PUNJAB AND PEPSU

1512. Sardar Iqbal Singh : Will the Minister of **Planning** be pleased to state :

(a) the total amount that was sanctioned for the construction of roads in Punjab and PEPSU under the First Five Year Plan ;

(b) how much of this amount has been spent ; and

(c) the total sum to be spent in the Second Five Year Plan?

The Deputy Minister of Planning (Shri S. N. Mishra : (a) to (c) A statement is laid on the Table of the House. [*See* Appendix X, annexure No. 34.]

PLAN FESTIVALS

1513. Shri Sanganna : Will the Minister of **Information and Broadcasting** be pleased to state :

(a) whether different State Governments have observed plan festivals on the completion of the term of the First Five Year Plan ;

(b) if so, the amount spent by each State Government ; and

(c) whether the Government of India have given any financial help or otherwise for the purpose?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). Plan festivals have been organised in several States in pursuance of the decision taken at the conference of State Directors of Information held by this Ministry in July, 1955. So far festivals have been observed by the States of Saurashtra, Uttar Pradesh, Delhi, Madhya Pradesh, Bihar, Bombay, Himachal Pradesh and West Bengal. Other States are expected to organise similar festivals before November, 1956. The expenditure on these festivals is borne entirely by the State Governments and the details are not, therefore, available with the Government of India. The Government of India have not given any financial help, but have, participated in the festivals through all media of publicity.

POLITICAL ASYLUM

1514. { **Sardar Iqbal Singh :**
Sardar Akarpuri :

Will the **Prime Minister** be pleased to state :

(a) the number of persons who have sought political asylum in India during the years 1955-56 ;

(b) the number of persons who were granted political asylum in India ;

(c) the number of persons whose requests were rejected ;and

(d) the reasons therefor ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) Three.

(b) Three.

(c) and (d). None.

SETTLEMENT OFFICERS

1515. Shri Gidwani : Will the Minister of **Rehabilitation** be pleased to state :

(a) the qualifications of the Settlement Officers and their scales of pay;

(b) The qualifications of Assistant Settlement Officers and their scale of pay ; and

(c) how they are selected?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) to (c). A statement showing the required information is laid on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 35.]

IRRIGATION WORK IN COMMUNITY PROJECT AREAS OF TRIPURA

1516. Shri Biren Dutt: Will the Minister of **Planning** be pleased to state :

(a) whether any irrigation work is proposed to be undertaken in the Community Project areas of Tripura ;

(b) whether any proposal for construction of a *bund* is under consideration :

(c) if so, when this will be put into operation ;

(d) what will be the estimated cost of the *bund* ; and

(e) whether Government will bear the total cost or a part of it?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b) There is a scheme for the construction of bunds across the two rivers, the Dhanera and the Ghuramara. These Schemes are under survey by the Flood Investigation Division of Central Water and Power Commission.

(c) to (e) Do not arise for the present.

SOCIAL WORKERS IN TRIPURA COMMUNITY PROJECT ADMINISTRATION

1517. Shri Biren Dutt: Will the Minister of **Planning** be pleased to state :

(a) whether it is a fact that only Rs. 20 per month is given to a social worker employed by Community Project Administration in Tripura ; and

(b) if so, whether Government propose to increase their pay upto the level of minimum wages fixed for agricultural labourer in Tripura?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) There is no post of Social Worker under the Community Development Programme.

(b) Does not arise.

A.I.R.

1518. Shri Madiah Gowda: Will the Minister of **Information and Broadcasting** be pleased to state the number of copies of each of the publications in which the A.I.R. programmes are published in the form of monthly bulletins?

The Minister of Information and Broadcasting (Dr. Keskar): A statement is placed on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 36.]

SMALL-SCALE INDUSTRIAL FIRMS

1756. Shri Madiah Gowda: Will Minister of **Works, Housing and Supply** be pleased to lay a statement on the Table showing :

(a) the names of cottage and small-scale industrial firms registered so far as suppliers to the Central Purchase Organisation ; and

(b) the number of orders for purchase placed with each one of those firms and the amount involved therein?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Keskar): (a) and (b). A statement is placed on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 37.]

ROURKELA STEEL PLANT

1520. Shri T. B. Vittal Rao: Will the Minister of **Production** be pleased to state :

(a) the bye-products from the Steel plant, Rourkela, that will be utilised for the manufacture of fertilizers ; and

(b) the quantity of the bye-products that will be available for the manufacture of fertilizers?

The Minister of Production (Shri K. C. Reddy):

(a) and (b) Coke oven gases . . .	49 million feet cubic per day.
Nitrogen .	*13.5 million cubic feet per day.

*When the Rourkela Steel Plant will be operating at its full rated Capacity of one million tons of ingot steel.

थाईलंड में भारतीय

१५२१. **श्री रघुनाथ सिंह** : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि :

(क) इस समय थाईलण्ड में कितने भारतीय राष्ट्रजन रहते हैं ;

(ख) उनमें से कितने व्यक्तियों ने थाईलैण्ड की नागरिकता प्राप्त कर ली है ; और

(ग) कितने व्यक्ति अब भी भारतीय राष्ट्रजन हैं ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरु) : सूचना इकट्ठी की जा रही है और सदन की मेज़ पर रख दी जायगी।

[*Thursday*, 26*th* *April*, 1956]

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(Part II—Proceedings other than Questions and Answers)

30.

LOK SABHA

Thrusday, 26th April, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-34 A.M.

ESTIMATES COMMITTEE

TWENTY-FIFTH REPORT

श्री० बी० जी० मेहता (गोहिलवाड) : मैं रेल्वे मंत्रालय सम्बन्धी एस्टीमेट कमेटी (प्रांक्कलन समिती) की २५वीं रिपोर्ट को पेश करता हूं ।

RULES COMMITTEE

THIRD REPORT

Sardar Hukam Singh (Kapurthala—Bhatinda) : I beg to move :

> "That this House agrees with the Third Report of the Rules Committee laid on the Table of the House on the 25th April, 1956."

Mr. Speaker : Motion moved :

> "That this House agrees with the Third Report of the Rules Committee laid on the Table of the House on the 25th April, 1956."

Shri Kamath (Hoshangabad) : I rise to a point of order. I rise with considerable trepidation because, at the back of my mind is the apprehension, Mr. Speaker, that whatever I say or the language in which I couch my thoughts and arguments might be adjuged unparliamentary or improper by certain standards of dignity, decency and decorum.

Mr. Speaker : This preamble is unnecessary Who is going to adjudge? It is wrong. Is the hon. Member suggesting to the Speaker that he must be careful when he says that the Member should not use certain words and that those words are not proper ? All this preamble is unnecessary. The hon. Member will kindly resume his seat if he is not familiar with the proper language of expression.

Shri : Kamath : I am not familiar with the standards....

Mr. Speaker : If he is not familiar, he ought to choose between two courses.

Shri Kamath : In my parliamentary experience and with my knowledge of other Parliaments also, I would say that.....

Mr. Speaker : That is another matter. He ought not bring all those things here. What is the matter on which he wants to speak now ?

Shri Kamath : It is a very important matter. I hope you will appreciate it by and by and I hope the House also will appreciate it. My hon. friend, Sardar Hukam Singh, has moved this motion. I am sure there is complete unanimity or agreement in this House on....

Mr. Speaker : Points of order are raised by merely stating the points. Then, if I want further elucidation, I will ask the hon. Member to explain the point. What is the point of order now ?

Shri Kamath : I hope that the House would agree that the report presented to the House should be a correct factual report.

Mr. Speaker : That observation also is not necessary. What is the point of order ?

Shri Kamath : The point of order is that the report submitted to the House today is not a correct report, and the proceedings of the Committee, in so far as they relate to those of us who were invited to be present and those of us who moved amendments to the rules, —I am referring especially to rule 167—are not correct.

Mr. Speaker : The hon. Member has tabled an amendment. If he wants to

[Mr. Speaker]

press his amendment, let him refer to it and say that the report does not carry out what he said. Then I will allow him to speak on it. Now, what is the point of order?

Shri Kamath: My point of order is that this report should be presented after it has been corrected properly.

Mr. Speaker: That is what he referred to earlier. I want his further points. The hon. Member did not refer to the amendment.

Shri Kamath: Considering the importance of this matter, I would like the Leader of the House to be present, because it is an important matter relating to the Constitution and the amendments to the rules of procedure relating to the Constitution. We would not lose, and the heavens will not fall, if we postpone it by a day or two till the Leader of the House is back in the House. I would appeal to you and the House to bring it up later on, say, after two or three days. If you uphold that point, I will not proceed further. If you do not uphold that point, I will proceed further.

Mr. Speaker: The hon. Member will proceed.

Shri Kamath: I will take up rule 167 first. There are two rules before us—rules 167 and 169. I need not read rule 167. The proviso to the rule says that the Speaker can, with the unanimous concurrence of the House, put clauses or schedules of the Constitution amending Bill together to the vote of the House. I put an amendment to the Committee to which the Committee's report makes no refenence. The Committee's report says that "They however agreed that it was necessary to insist upon the unanimous consent of the House as that would be tantamount to a veto by one member upon a course of action which was otherwise approved by the House." I made my point very clear. I insisted that the unanimous consent of the House should be had, with even the right of veto by one Member, so far as this matter was concerned. But unfortunately, the report makes it appear that all the Members who were invited to the Committee meeting agreed on this point that the veto should not be insisted upon.

Mr. Speaker: Does it say so? The hon. Member is not a Member of the Committee. He was invited to come. He suggested amendments. Does the re-report say so?

Shri Kamath: Please read paragraph 5 of the report.

Mr. Speaker: Yes. I have read it "They" really means the Members of the Rules Committee. It has not been drafted correctly. Shri Kamath gave an amendment. The other hon. Members did not agree. So, the word "they" refers only to the Members of the Rules Committee. Finally, the Members who had tabled amendments were asked to withdraw so that the Rules Committee might look into the whole matter. They unanimously agreed. That is all.

Shri Kamath: So far as I understand the English language, the word "they" here does not show the correct position.

Mr. Speaker: Why does he canvass the proposition again? I agree that the word "they" in this context is likely to apply to the Members who tabled the amendment. But what was intended was that it should apply to the Members of the Rules Committee.

Shri Kamath: Let me proceed further by your leave. I invite your attention to Rule 126 which deals with ordinary Bills. I will read out Rule 126(2), and the proviso:

> "The Speaker may, if he thinks fit, put as one question group of clauses to which no amendments have been moved:
>
> Provided that if a member requests that any clause be put separately, the Speaker shall put that clause separately."

The Constitution Amendment Bill is more than an ordinary Bill. I have moved an amendment to the proposed proviso to Rule 167, which proposes to whittle down the powers of the House, which the House enjoys with regard to even ordinary Bills. What would be the result of the amendment which is proposed to be accepted in effect? In effect, the result of that amendment will be that even if there is no unanimity, if the majority of the House is in agreement, then the Speaker can put all the clauses—2, 3, 4, 5 and so on—together to the vote of the House. This, in effect, makes a Constitution Amendment Bill, even less important than an ordinary Bill. In the case of an ordinary Bill, a single Member can exercise his vetoing power, and the clauses shall be put separately. Proviso to Rule 126(2) says, "The Speaker *shall* put that clause separately"; it does not say, "the Speaker may put it," I do not know on what process of reasoning the Committee has arrived at that conclusion, namely, that even if a simple majority of the House is in agreement, the Speaker or the Chairman is competent to put the clauses of the Constitution Amendment Bill together.

I am constrained to say that there is a growing tendency to hustle, muzzle and throttle as the session drags on to a close. Especially when we are discussing a Bill of this kind—a Bill to amend the Constitution—time is of no consideration whatever. Every clause relating to every article that is proposed to be amended must and shall be put to the House separately. The House is well aware that your predecessor, Mr. Mavalankar set up certain high traditions and conventions which I hope we will all uphold in this House. With regard to the elimination of the Question Hour, though there is no specific provision in the rules, he created this convention that even a single Member can veto the proposal for the elimination of the Question Hour. I have exercised that privilege more than once by being the single Member saying that the Question Hour shall not be eliminated and your predecessor congratulated me on helping to build the tradition which is the cornerstone of the parliamentary process. Question Hour is the conerstone of the parliamentary process. If that is so, how much more important should a Bill to amend the Constitution be regarded? *

श्री रघुनाथ सिंह (जिला बनारस) : अभी तक हम लोगों की समझ में नहीं आया कि आप क्या कहना चाहते हैं ?

Shri Kamath: आप शांति से सुनते जाइये, जो अभी तक नहीं समझ पाये है, वह आप समझ जायेंगे ।

Even if this amendment is passed by the House—of course, I have no doubt that it will be passed—am I to understand that the provision which has been made in the rules, namely, the proviso the Rule 126(2), for ordinary Bills will not apply to a Bill to amend the Constitution? Am I to understand that?

Mr. Speaker: The hon. Member has got a right to say it.

Shri Kamath: If that is so, if this provision with regard to ordinary Bills will not apply to Bills amending the Constitution, and if this amendment is adopted by this House, I am very pessimistic about the future of the parliamentary process in this country.

One word more and I have done. There was a sound reason why this proviso to Rule 167 was incorporated. It was done as far back as five or six years ago and it has worked well. That has been applied to so many Bills amending the Constitution and there has been no trouble with regard to the working of that rule. The main reason to my mind—that is obvious—with regard to this particular proviso is that so far as the Constitution is concerned, one single party, a majority party, should not be able to amend the Constitution as it likes. That is why "unanimous concurrence" and "two-thirds majority" have been provided, as far as the Constitution amendment is concerned. Otherwise the proceedings of the House with regard to Constitution Amendment Bills will be reduced to a farce and mockery unless the rules are enforced by the Chair strictly. In the Constitution (Ninth Amendment) Bill, there is for instance a clause—I forget the number of it—which provides for not more than 500 Members for Union States and 20 Members for Union territories. I am in agreement with the first part which provides for 500 Members, but certainly I am not in agreement with the second part providing for 20 members for the Union territories.

If you accept the amendment, you put a Member in a position in which he can vote on a particular clause of the Bill, but not on some other clause of the Bill. The suggested amendment vests powers in the Speaker or the Chairman which were not contemplated at all, as far as Bills to amend the Constitution are concerned. I think this is a retrograde amendment and I oppose that.

Mr. Speaker: The hon. Member has got 5 minutes more.

Shri Kamath: Rule 169 refers to voting on motions in respect of Bills. I am in agreement that so far as a motion for sending a Bill for public opinion is concerned, a special majority may not be necessary. I agree with the Committee because at that stage, the House does not accept the principle of the Bill But, when a motion is made for refer-

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*Expunged as ordered by the Chair.

[Shri Kamath]

ence of a Bill to a Select Committee of the House, the House is committed to the principle of the Bill. The Rules Committee's amendment seeks to do away with the special majority at this stage. That is to say, you commit the House to a Bill without caring for the two-thirds special majority provided in the Constitution. I think this stage is much more important than the stage which is reached when the Bill comes back from the Select Committee. I would even do away with the requirement for the two-thirds majority when the Bill comes back later on from the Select Committee. At the earlier stage when the House commits itself to the principle of the Bill, there must be a two-thirds majority, otherwise, it will defeat the object of article 368 of the Constitution.

One word more. I would only say that I was not surprised when my Communist friends tabled an amendment about dropping of the word unanimous. I was not surprised because a majority of them have no faith in parliamentary democracy or parliamentary institutions. However, even at this stage I would appeal to them to withdraw their amendment and see that unanimous concurrence of the House is obtained before the Speaker puts two or three clauses together of the Amending Bill to the vote of the House.

Dr. Krishnaswami (Kancheepuram): Mr. Speaker....

Mr. Speaker: Five to seven minutes for each Member; there is not much time.

Dr. Krishnaswami: I will try my very best to compress.

It is difficult to differ from those who are our colleagues, who have given considerable thought to this matter. But, I should like to invite the attention of the House to the proposed amendments which concern themselves not merely with regulating the procedure of the House of the People, but also seek to conform to the procedure laid down for us in the Constitution. Non-compliance with the procedure would result in invalidating constitutional amendments and consequently lead the courts with power to enquire into the procedure adopted by us.

Mr. Speaker: In regard to these matters, as is observed, whenever an hon. Member wants to move an amendment and press it,—I understand the hon. Member wants to press the amendments —let him state the amendment and then support it by arguments.

Dr. Krishnaswami: I have moved two amendments. One with reference to rule 167 which I wish to be retained as it is. Another with reference to rule 169 which refers to the omission of clauses (i) to (iv).

I should like to refer to article 368 of the Constitution because it will help us to appreciate what exactly is involved. Article 368 refers to passing of a Bill. 'Passing' is not merely a term of art which refers to third reading. In my opinion, it is intended to relate to the adoption of amendments by this House. If a Bill consists of more than one clause, each clause, in my judgment, is an amendment of the Constitution. It is possibly certain that the special procedure prescribed for each amendment should be followed strictly in the case of each clause. That is to say, when words are said that each clause shall now stand part of the Bill on the motions, except the motion with reference to the short title, enacting formula and long title, we should have the specified majority put in the Constitution. If this be not done and only the special procedure applied to the third reading that the Bill be passed, then, some Members who do not oppose the Bill, but who are only opposed to particular clauses will not have an opportunity of voting down that clause. The object of article 368 to have each amendment passed by a special majority would be rendered nugatory in my opinion. To avoid this argument, it would be safer to adopt this to the second reading as well. Rule 167 refers to it. The proviso to the rule is sought to be changed and the amendment seeks to give power to the Speaker to put all the clauses and Schedules to the vote of the House with the concurrence of the House By concurrence of the House a simple majority is intended for putting the clauses to the vote which will have to be carried by a special majority. If by a simple majority these clauses are clubbed together, those who do not vote for the clauses being so put will be deprived of the opportunity of voting against any one or the other of the clauses of the group which they do not approve. This would infringe, in my opinion, the right given to Member and also the citizens whom he represents. Anyone can move the Supreme Court for redressing this matter. While I agree that unanimous concurrence is too restrictive a condition, because in a House where 60 per cent of the Members are present, any one can exercise a Polish veto even though 40 per cent want it. I believe that it is wrong to go to the other extreme of relying only on concurrence by a simple majority. Obviously, the amendment should make provision for concurrence to clubbing being approved by a special majority of two-thirds of those present and at least 51 per cent of the total Membership of the House. The rationale of this rule would be that where two-thirds have approved such clubbing, it must be presumed that the House, to save time wants to take all the clauses together and also this procedure satisfies the constitutional requirement which has been put in article 368.

Rule 169 in my judgment, follows rule 167, which deals with clause by clause consideration of the Bill. Logically the motion for consideration should precede the clause by clause consideration. Here, it is rather strange that first reading succeeds the second reading. I also hold the view that the consideration stage is only an aid in execution of the passage of the Bill. It is not part of the passage of the Bill. Nevertheless, if the Rules Committee wants that that particular conditions should be put there, they can have it. But, it is also a restrictive condition. I should like to have this two-thirds majority confined to two stages, the second reading and third reading. In the second reading every clause is voted upon by a special majority. If the House so decides to club these clauses together, it must approve by a two-thirds majority and not by a simple majority, because that, obviously, would infringe the constitutional requirement. I wish the Rules Committee, the senior colleagues of mine in the Rules Committee like Pandit Thakur Das Bhargava and Sardar Hukam Singh and others, would go into this matter more thoroughly. Obviously, we do not wish to permit a rule of procedure which would be challenged in a court of law. We seek as far as possible to avoid interference in the internal business of the House by courts of law. But, where we follow constitutional requirements, courts of law would have the full and indubitable right of examining the procedure for finding out how far we have exercised our discretion and also reviewing our conduct. I therefore feel that we should change this proposed amendment to this concurrence provision by suggesting that it must be approved by a two-thirds majority of the House with 51 per cent of the membership. I believe that that is all one has go to say on this matter. I would only wish the Rules Committee of this House to give considerable thought to this matter, because it is the purpose of this House to avoid litigation as far as possible, to pass laws which are valid and to see to it that its procedure conforms to the strict constitutional requirements that are laid down in article 368 of our Constitution.

Shri S. S. More (Sholapur): Mr. Speaker, I propose to be very brief. The real point is, what is the meaning of the word 'passed' as given in article 368. I submit that your predecessors, having long experience, interpreted this word in a particular manner and laid down rules of procedure to that effect. That procedure was laid down in the first edition of our rules, in the second edition of our rules, in the third edition of our rules and the fourth edition of our rules. On no occasion was the interpretation put upon this particular clause challenged by any one. It may be inconvenient to Government on occasions. That is evident. But, the mere convenience Government should not compel us to modify the meaning of the word 'passed'. As far as article 368 is concerned, on two occasions, the Constitution itself has abrogated its application. Take for instance, article 4, where it says that under certain circumstances, this article shall not apply. Then again, under article 240, regarding certain legislations, it has definitely been said that article 368 will not apply.

12 NOON

My submission is that we have to interpret the word 'pass'. Now, can the mere mechanical passing at the last stage be said to be the real passing of the Bill? My hon. friend Shri Kamath has pointed out that it is at the stage when a motion is made for consideration, that the whole House has to take into consideration the principle of the Bill; and if the principle is accepted by this House, then it goes on to the other stages, namely the stages of giving effect to the principle of the Bill and nothing more. So, in essentials, we must see that the House has a particular majority as laid down by article 368. That in the spirit of article 368 though the letter may lead us somewhere else. But we have to apply the Constitution not in its letter but in its spirit. That is my first contention.

[Shri S. S. More]

My second contention is that these rules are supposed to be in operation under clause 2 of article 118. You will recall that I had raised a point regarding the constitutionality or the legality of these rules, and I had a protracted correspondence with Government and the Minister of Parliamentary Affairs wrote to me a letter two years back saying that he was taking steps to place all these rules before the House, for under article 118 (1) it is the privilege of the House to pass these rules.

I have cared to read the past proceedings right from 1854 onwards, and even in those bureaucratic days, I find that the House was in charge of passing the rules. I would make an earnest appeal to you to consider this matter. Even this Rules Committee, though it may be styled as a parliamentary committee, is a committee created by the Speaker only, and we do not know how far he had rights under article 118 in this respect, because that article gives him power only to adapt or modify them. A separate and independent framing of the rules is quite another thing. It cannot come under the two expressions 'modifications' and 'adaptations'. But I do not want to go into the interpretation of those words now. Let us start on a clean slate.

I would make an earnest request to you and particularly to the Minister of Parliamentary Affairs to fulfil the promise that he gave me. He told me, 'I am taking steps to place these rules before the House, and that will meet your point'. But it is more than two years, and still, his very sensitive memory is not yet prepared to take necessary steps for implementing that promise.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): For obvious reasons, I could not do so during this session. I had promised last session, but we are so hard-pressed now, that I could not do so during this session.

Shri S. S. More: That was made two years ago, and not during the last session. I had a lot of correspondence....

Shri Satya Narayan Sinha: The House has got to approve of whatever the Rules Committee does.

Shri S. S. More: Even that is under the rule-making powers of the Speaker. This House has not passed any resolution saying that the Rules Committee is authorised to legislate on behalf of the House. Unless such an authorisation is made, there cannot be any delegated legislation. The Speaker may in his own way pass a rule, appoint a Rules Committee, and the report of that committee may be approved, but that sort of approval is not a direct legislation by the House of its own rules of conduct. The Minister of Parliamentary Affairs has sufficient experience to know that delegated legislation without the authority of the State is something which is illegal. I do not want to go into the details.

The Rules Committee has suggested a very substantial improvement. It is a question of recording a two-thirds majority opinion of the House, because a constitutional amendment is supposed to be a very relevant and a very important amendment. It is for you, Sir, to interpret whether the word 'pass' means only the formal passing at the last stage, or whether it goes to the root of the matter or the heart of the matter, and the House has to give its verdict by that majority, when it is accepting the principle of the Bill. That is a matter for your consideration.

Shri Raghavachari (Penukonda): As a Member of the Rules Committee, it is my duty—however inappropriate or undignified it may appear to be that Members of the same party are ranged on opposite sides—to explain the point of view of that committee.

Hon. Members who brought amendments to the proposed amendment wanted to rely entirely upon the interpretation that they would like to put upon the word 'passed' in article 386 of the Constitution. The question is whether the word 'passed' used there relates to the last stage before a Bill is passed, or to all the stages through which a Bill must go before it gets passed. That is the sole crux for interpretation.

The law officers of Government and some of us also, taking a very strict view of these words, do feel that the interpretation that the word 'passed' refers only to the last stage has great force in it; it cannot be brushed aside as an incorrect interpretation. All the objections that are now raised depend on the belief that only one interpretation is the correct interpretation. I, as a lawyer, am bold to say that it is too much of courage for any one to say that his is the only proper interpretation.

Shri S. S. More: Supposing our interpretation is accepted?

Shri Raghavachari: I shall come to that presently. My next point is that this interpretation is not an interpretation which has been put only yesterday or today—it is unfortunate that this amendment has come just at this time, synchronising with the Constitution (Ninth Amendment) Bill. It is not so. In fact, I have been a Member of the Rules Committee for over two years now, and even at the time of the late Shri Mavalankar, the matter had come up there. This opinion of the law officers of Government was also considered, and we all agreed that a very correct interpretation might be that the passing refers to the last stage only. But what we were concerned with as Members of the Rules Committee,—and supported also by the experience of the late Shri Mavalankar—was, that it was advisable to err on the safe side, and that for the sake of the dignity and the sacredness of tampering with or altering the Constitution, we must insist upon a special majority at certain stages. So, it was a matter of compromise, it was a matter of practicability, it was a matter of doing business with the proper decorum that made us feel that we must accept, not the correct and strict interpretation of the word 'passed' applying only to the last stage, but that it must be extended to the other stages also. Therefore, we thought that at the consideration stage, there must be a majority of two-thirds, and again at the clause by clause stage also, it must have a two-thirds majority.

So, as practical men, as men who wanted that business must go on, as men who were interested in seeing that the country must know that Parliament was not simply trafficking or dealing lightly with the Constitution, we did insist, and the late Shri Mavalankar also supported it, that the old rules as they stood, should continue.

But you will remember that last time, when the motion for reference of the Constitution (Seventh Amendment) Bill came up, on account of just two or three Members being locked out, the whole thing had to be gone through again, and a lot of public time, and the time of Parliament had to be wasted over it. It was not that Parliament did not want the passing of that Bill, but only the technicalities stood in the way, and therefore, public time was wasted, and things went on like that. That occasion made Government realise that they might change the law entirely in accordance with the strict interpretation that the word 'passed' applies only to the last stage. We again stood in the way, and we did persuade Government to accept the substance of it, namely that the purpose of the rule should not be lost, and that at the consideration stage, at the clause by clause consideration stage, and at every other stage, the solemnity and sacredness of constitutional amendments should be preserved. Government also accepted that. So, what is now before the House is the result of a compromise.

I am free to confess my own view that a strict interpretation of the word 'passed' refers only to the last stage. When that interpretation is accepted, then compromise is the thing which practical men get into. It is very easy to interpret it technically and stand on. But who is going to break the whole law on this interpretation through a court. It is good for an argument. But is it practical? Is it real? Is it going to happen? I, as a Member of the Rules Committee, think that the amendments that we have proposed are practical, and useful, and will preserve the dignity and the seriousness with which the whole thing is done.

I would like to make only one more submission, and that is this. As regards the language that is used, the word 'unanimous' is now removed. Therefore, under rule 167 what was the privilege of one individual to hold up the work of the House has now been taken away. That is the complaint which Shri Kamath now makes.

Shri Kamath: What about rule 126?

Shri Raghavachari: I shall come to that. Let him not please interrupt.

What was the privilege of a Member to take pride by saying, 'I have made the business of the House stand still for half an hour' has now been removed. My difficulty is that as a practical man, as I said, though I am also a lawyer, I mean business.

Shri Chattopadhyaya (Vijayavada): Lawyers are not practical?

Shri Raghavachari: The unanimity relates to the clubbing of the clauses to be put together. So far as the passing of the clauses is concerned, that is done by the majority of the House. So ultimately it is the majority of the House that passes it. It is even two-thirds ma-

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jority that will pass the clause at the earlier stage. But here for a few minutes it is one voice that holds up the thing. Strictly and technically, there may be something in its favour, but to me as a business man or as a man concerned with the public time of the House, it does not appeal.

Then I come to Dr. Krishnaswami; I am sorry I have to refer to his amendment; he will excuse me for that. His amendment is that so far as rule 167 is concerned, the word 'passing' will include all the stages and it must be by the same special majority, and therefore, this will apply to the consideration stage and every other stage. But when he gave notice of an amendment to clause 169, he said 'omit sub-clauses (i) to (iv)'. That is the consideration stage, omit; Select Committee stage, omit; Joint Committee stage, omit; and public opinion stage, omit. Only at the last passing stage, we want special majority. That is the amendment which he gave to rule 169. On rule 167, he contends that 'passing' includes all stages. I would respectfully point out to him that this interpretation will lead to a contradiction between one and another. So as Members of the Rules Committee, we could not take such views: one argument for this and another argument for that. We must have a common argument for both. Therefore, we have passed this rule. I appeal to the House to realise that the Rules Committee's recommendations are practical and will not take the substance away from the power of this House. Therefore, it is most sensible and must be accepted.

Shri Nambiar (Mayuram): I beg to move:

That for the proposed amendment, the following be substituted:

"In rule 169—

(a) in clause (i), for the word 'it' the words 'the Bill' shall be substituted;

(b) in clause (ii) for the word 'it' the words 'the Bill' shall be substituted;

(c) in clause (iii), for the word 'it' the words 'the Bill' shall be substituted;

(d) for clause (iv), the following shall be substiuted, namely:—

'(iv) the Bill, as reported by the Select Committee of the House, or the Joint Committee of the Houses, as the case may be, be taken into consideration, or';

(e) for clause (v), the following shall be substituted, namely:—

(iv) the Bill or the Bill as amended, as the case may be, be passed'."

This is my amendment to rule 169. I submit I cannot agree with the decision of the Rules Committee in paragraph (8); they say that a special majority is not needed in the case of submission of a Bill to a Select Committee. I submit that once a Bill is submitted to a Select Committee, the principle of the Bill is accepted, and it is exactly there that we want a special majority to prevail. Therefore, I agree with the suggestion already made that the proposed amendment made by the Rules Committee is wrong and it cannot be accepted. It vitiates the very principle, the fundamental aspect, that we have already agreed to in the Constitution. Therefore, I submit that my amendment may be accepted.

With regard to rule 167, it was exactly my amendment that the Rules Committee has agreed to. With regard to the provision of unanimity, we discussed it in detail and we came to the conclusion that it need not be there. As observed by Shri Raghavachari, one Member need not hold up the business of the House for a long time, especially when we are going to amend the Constitution in order to redraw the boundaries of our States. We are all interested in seeing that that reorganisation is done effectively and as quickly as possible. Therefore, in order to avoid wastage of time, we thought we should try to ensure the quickest passing of the Bill. It was only with that end in view that we, of the communist party, agreed to that.

Therefore, if there is any misunderstanding in mind of Shri Kamath, as reported, I beg to differ from him on this point and say that it was only with that end in view, and not to stifle the right of any hon. Member, that we agreed to that amendment. If he finds that that amendment does not do good, we can change it further, at least for the time being. I would appeal to the House to accept my amendment.

Mr. Speaker: Amendment moved:

That for the proposed amendment, the following be substituted:

"In rule 169—

(a) in clause (i), for the word 'it' the words 'the Bill' shall be substituted;

(b) in clause (ii), for the word 'it' the words 'the Bill' shall be substituted;

(c) in clause (iii), for the word 'it' the words 'the Bill' shall be substituted;

(d) for clause (iv), the following shall be substituted, namely:—

'(iv) the Bill, as reported by the Select Committee of the House, or the Joint Committee of the Houses as the case may be, be taken into consideration, or';

(e) for clause (v), the following shall be substituted, namely:—

'(v) the Bill or the Bill as amended, as the case may be, be passed'."

The Minister of Legal Affairs (Shri Pataskar): I would like to submit that the Rules Committee has taken a very practical view of the thing without, in any way, sacrificing the principles underlying the rules framed with respect to Constitution Amendment Bills.

There have been one or two fundamental objections which I really fail to understand. It was suggested that making an alteration like this in the rules might offend article 368 of the Constitution, and might be challenged in the Supreme Court or in any other court, and might be struck down. So far as I can think of, I have no such fear, and all such apprehensions are misplaced for the simple reason that article 368 itself contemplates what is meant by the word 'passing'. It says:

> "An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament and when the Bill is passed...."

The wording itself shows that it contemplates two stages, the introduction stage and the stage of passing. There are other stages also involved in a Bill. Therefore, I think that the correct, strict, legalistic interpretation of article 368 can only be that it relates to the passing of the Bill. We ourselves, even in the present rules, contemplate all those other stages, for example, introduction, reference to Select Committee, then another motion that the report of the Select Committee be taken into consideration and so on. Naturally, I think there is no fear that article 368 can ever be interpreted to mean that it is something else than what is really meant by the word 'passing'.

Shri S. S. More tried to argue that probably it was on an interpretation like this that the rules were framed in that way and therefore, that might be utilised as an argument by some people in a court of law that now we are doing something which is against the Constitution. As a matter of fact, whatever may be the interpretation, it is always open to this House when framing rules to introduce certain other restrictions, if it liked. That was probably the reason why all those special restrictions were introduced when the rules were framed.

As regards the validity of the rules, I think that is not relevant for the present purpose; that is a different matter.

Shri Kamath: What about rule 126?

Shri Pataskar: I would suggest that the present amendments made by the Rules Committee are very simple. What do they say? In the proviso to rule 167, the word 'unanimous' is omitted. The only object is that a single Member should not hold up the thing and that the Speaker should be given the power to put the clauses together. I expect that even now, whenever power is given to the Speaker to do a certain thing, he always does it after ascertaining the wishes of the House.

Shri Kamath: Make it mandatory.

Shri Pataskar: So far as rule 167 goes there is practically no hardship caused, unless some people think that the Speaker cannot be trusted at all. But looking to the matter as to whether he should or should not, in the first instance, club together certain clauses, and whether he should ascertain the wishes of the House in the matter....

Shri Kamath: What about rule 126 for ordinary Bills?

Shri Pataskar: With respect to rule 169, what are the suggestions made by the Committee? With respect to all important matters, naturally they say that that majority will be required. For ins-

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tance, there is a motion like this: "That the Bill as reported by the Select Committee or the Joint Committee, as the case may be, be taken into consideration." Naturally, that is the stage at which they accept that there should be such a majority in view of the constitutional provision. But when the motion is merely "that the Bill be referred to a select committee" and when the Bill is again going to come before the House after the report of the select committee, because a further motion has to be made at that stage, it is very rightly suggested by the Rules Committee that this may go out. It is an addition to the restrictions which are contemplated in article 368 of the Constitution. For the motion "that the Bill be referred to a Joint Committee of both the House or that it be circulated for eliciting public opinion, it is certainly not necessary that there should be such a majority. Therefore, the recommendations of the Rules Committee are not only consistent with the Constitution, but they are intended to place certain reasonable restrictions in respect of Bills of this nature which are of an important character.

Sardar Hukam Singh: Mr. Speaker, I moved the motion and I am responsible to reply. I would request my hon. friends who have spoken so far to give me a little indulgence.

The first point is that for ordinary Bills, Rule 126(2), proviso gives power even to one member to veto the decision of the House. He can call out that such and such a clause may be put separately and the Speaker is bound to put that clause separately to the vote of the House. In my opinion, there is no inconsistency between 126 and 167 or the Rules as they have been amended. Supposing the Speaker says "that clauses, 2, 3, 4, and 5 be taken together" and one hon. Member stands up and says that 'clause 3 may be put separately," then, it does not debar the Speaker from putting clause 2, 4, and 5 together. In Rule 126, the wording is:

> "....the Speaker shall put that clause separately."

But, clauses, 2, 4 and 5 can be clubbed together.

Shri Kamath: If I say that clause 4 should be put separately?

Sardar Hukam Singh: Then, clause 4 shall be put separately. If somebody says that clause 5 should be put separately, then, it has also got to be put separately. It is the right of the individual member to say that such and such a clause may be put separately and not that such and such clauses should not be put jointly or together. Now, what the Rules Committee has done is to take away that right of an individual Member.

You will recall the discussion that took place. There is no intention to take away the right of any particular member to call out that a particular clause may be taken separately. That would remain as it is. Putting some clauses together and allowing a Member, if he so desires, to say that a particular clause be voted upon separately are two different things. I think they are distinct and it should be understood clearly. It is not the voting that we are abridging. Even if the clauses are taken together, the same majority of two-thirds shall be required for passing. That majority is not being reduced. That right is not being taken away; if the House, by a majority says that clauses 4 and 5 be taken together, those are taken together. The right of the House to throw them away or to vote upon them is not abridged because those clauses, put jointly, could be passed only with the majority of two-thirds. (*Interruption*). Those clauses would not be deemed to have been passed unless the requisite majority of two-thirds is there. This right is there—the right of an individual Member to say that particular clause be taken separately—and the Rules Committee also holds the view that right of the ordinary Member should not be taken away.

Shri Kamath: I have no quarrel.

Sardar Hukam Singh: But, so far as the joining of those clauses is concerned, that is not debarred. We can save time when only all the clauses can be taken together and no Member has any objection. But, should there be complete unanimity of the House for taking the clauses together? Even for passing the clauses, only a majority of two-thrids is required. Each of these clauses will be passed only when there is two-thirds majority. But, when we only take the opinion whether these clauses be taken together or jointly, does it stand to reason that we should insist that there should be unanimous concurrence of the House? Should it be more strict even than passing the clauses? So, in my opinion, what the Rules Committee has done is very reasonable and advisable and it stands to reason that so far as the joining together of clauses is concerned, the Speaker may take the opinion of the House. Any Member shall be justified in pointing out to the Speaker that a particular clause, on which he feels he has to vote differently, may be put separately. This is how I feel.

Then, we come to the second point so far as Rules 167 and 169 are concerned. It has been argued here whether the word 'passing' means only the stage when the motion is made that the Bill be passed or whether it includes all the different stages. In my opinion, it is no use arguing now. There are Members who were and are still of the opinion that it is only the last stage, namely, the motion that the Bill be passed, which is intended in article 368 of the Constitution. Why go through all the discussion over and over again? The Rules Committee has admitted that it was only by way of abundant caution that it has not said that two-thirds majority would apply only to that portion.

There are so many stages through which a Bill has to pass. First is the introduction stage. That is a formal affair. Nobody says that that should require a two-thirds majority. That introduction may be done even by a notification in the Gazette. Nobody says that a two-thirds majority is required for that.

We come to the next stage, that the Bill be taken into consideration. There is an option given to the Member in charge of the Bill either to move that motion or, in place of that, and not at the next stage, to make a motion that the Bill be referred to a select committee or a joint committee or that it be circulated for eliciting public opinion thereon. But will these stages in the passing of the Bill carry us any further? They are only intermediate steps in order to reach a stage where the Bill can be considered. After the opinion has been ascertained from the public, after it has been considered by the Select Committee or after it has been considered by the Joint Committee, we come back or revert to the same old stage where we left, that the Bill be taken into consideration.

Shri S. S. More: When a Bill is referred to a Select Committee, it is taken that the House has accepted the principle of the Bill.

Sardar Hukam Singh: I am coming to the principle exactly and perhaps my friend rather anticipated me.

Those stages are intermediary steps in order to come to a conclusion. What is the Bill that is to be considered by the House? What is the form in which it should be considered? In my opinion, the only stages for passing are consideration motion, clause by clause stage and then passing. Reference to a Select Committee or eliciting public opinion etc., only aid us in reaching the stage where we might consider the Bill as it has come before the House. We have lost nothing by sending it for eliciting public opinion or for reference to a Select Committee.

It has been argued that we stand committed to the Bill. What is that committal? As my friend says, take the Constitution (Ninth Amendment) Bill; what is the committal? The committal is that the Constitution is being amended, and on certain sections. Is the House not competent to reject every clause except one clause? I say the House is competent to do that, and perhaps Shri More differs from me. In my opinion, we are not committed to accept each and every clause. We can reject every one of them except one or two and we will be justified in doing so.

Shri A. M. Thomas (Ernakulam): The entire Bill we can reject even at the consideration stage.

Sardar Hukam Singh: Not the consideration; I am discussing the Select Committee stage. When we say that the motion is accepted that the Bill be referred to a Select Committee and we stand committed to the principle, what is that principle that we are committed to besides the one that the Constitution will be amended or must be amended on the lines given in those clauses? Can we not reject any of those clauses? Cannot the Select Committee throw them out? Cannot the Select Committee change them? What is the principle? We have seen in the Bills that we have sent that the entire shape has been changed. There is nothing that binds us from changing or altering the particular clauses.

Pandit Thakur Das Bhargava (Gurgaon): The Select Committee can also recommend that the Bill may be withdrawn. That also can be done.

Sardar Hukam Singh: Yes, that also can be done. Therefore, what is there that we stand committed to except the principle that an amendment is there? The Select Committee cannot say that we are not going to consider it.

Shri S. S. More: When we are discussing a report from the Select Committee, some Members say, "Go by the principle of the Bill". There are Bills where some principle is involved. Once we are committed to the principle by reference to the Select Committee, we may try to give effect to it by some other means, but the principle cannot be ignored.

Mr. Speaker: If the hon. Member differs, let him differ. Other hon. Members will be able to follow.

Sardar Hukam Singh: Unless a concrete thing is put before me that this is the principle which the House stands committed to and is bound by it, I cannot answer that allegation or charge. In my opinion, the only principle to which the House would stand committed, if we take the case of the Constitution (Ninth Amendment) Bill, is that the Constitution is to be amended so far as those particular clauses are concerned. But the Select Committee as well as the House have complete authority to reject or throw them out absolutely. Of course, the Select Committee stands committed in this sense that it cannot say that it will not amend any of these things and it will send them back. The Select Committee cannot say that. This is all what it means. We stand committed to consider the amendments to these clauses and decide upon them. Therefore, there is nothing that should terrify us—that we stand committed to it, that it is a serious thing and so on, and that even for reference to a Selcet Committee, there ought to be two-thirds majority.

In my opinion, so far as unanimous concurrence is concerned, there is no need for that unanimity. Concurrence is enough. So far as the second point is concerned, a reference to a Select Committee does not take us anywhere. The House takes up the thread where it left. Instead of making the motion that it be taken into consideration, there are intermediary steps that are to be taken. The House has absolute authority on the Bill to take up the thread where it left and it can take it into consideration after the report of the Select Committee has come. We lose nothing. It is only the time that we save. Therefore, I support my motion and commend it to the House.

Mr. Speaker: There are two rules Nos. 167 and 169 relating to the special procedure to be adopted when a Bill to amend the Constitution is before the House. Those two rules were modified by the Rules Committee and the report was sent to the House. Amendments were tabled to both the rules and suggestions made to the modifications of the rules made by the Rules Committee. Amendments were tabled both under rule 167 and rule 169.

Out of these amendments tabled, one was by Shri H. V. Kamath, that the proposed amendment be omitted. That is in the nature of a negative one. When the rule or clause is put to the vote of the House, the House can reject it—Shri Kamath may lead and the others may follow. Therefore, there is no specific amendment, as has been held commonly. There cannot be an amendment that the clause of the Bill be omitted. When the clause is put to the vote of the House, it can be thrown out at that time. Therefore, it is not strictly an amendment.

Regarding the amendment tabled to the original report by Shri Nambiar that the word "unanimous" may be omitted and the rest may be accepted, for the benefit of the House, in a few words let us see what exactly is the position regarding rule 167. There were two views expressed. One was on behalf of Government that even with respect to a Constitution Amendment Bill, it is only at the passing stage or the third reading stage, that a special majority of the members of the House and two-thirds majority of those present ought to be insisted upon, on reading of article 368 strictly. It was sought to be explained away by some other Members that passing is comprehensive, and must refer to all the stages of introduction, consideration and passing and merely at the last stage it would not be useful because in the earlier stages so much of time is to be spent on the amendments and if ultimately the majority is not in favour of it, all that time would have been wasted.

Strictly reading this, it is interpreted that it applies only to the passing stage. There is much force in that. There are in the Constitution itself various stages referred to. In article 368, introduction stage is referred to in the earlier portion and passing is referred to in the later stage. At the time of introduction of the Bill, there is no special majority required. In article 368 itself, it makes a difference between the majority that is required for passing in the introduction stage and passing in the passing stage or the third reading stage. In between the introduction and consideration stages, there is no reference made in article 368, but the Constitution as such, refers to the consideration stage in another article. All this I am referring to only for the purpose of showing that the Constitution makers were well aware of the three stages through which a Bill must pass. In article 117 (3) of the Constitution, a reference is specifically made to the consideration stage and the passing stage.

With respect to financial Bills, no financial Bill shall be passed in any of the Houses, unless for the consideration thereof, the President had given consent. The President's consent is necessary for the consideration itself as, when consideration has to be gone through, so much time of the House would be taken up. Therefore, advisedly, it is stated that even for the consideration, you must have the sanction so that the passing may be done. These three stages of a Bill are specifically contemplated in various provisions of the Constitution.

Therefore, there is much force in the contention on behalf of the Government that article 368, which insists upon a special majority, applies only to the passing stage *i.e.*, third reading stage. If we argue that all the stages of the legislation including clause by clause consideration, should have a special majority, is there any force in it? I sought to explain that after all there is no harm if, instead of passing it only by a nominal majority, a bigger majority is insisted upon. What is the harm in doing so? They will say that the Bill is passed not merely by 51 per cent of those present or of the whole House, but 66 per cent. of those present. The Bill is not going to be lost or become illegal merely because it is passed by a bigger majority. As against this, the provision in the Constitution was shown that in all other respects, a simple majority of votes was necessary. A Bill was thrown out on the last occasion simply because three persons had been locked out and could not come in. If the Government persisted in taking it to the Supreme Court possibly they may take the view that article 368 is intended for the last or final stage and that in the earlier stages a simple majority is enough and therefore the House cannot say that it is illegal if there is only a simple majority. In between, on account of the importance of the Constitution and lest an impression should be created, as for example when there is one view and there are only fifty persons—that is, ten per cent of the total strength—and out of those fifty persons, if 26 form the majority in the case of a Bill, including a Consitution Amendment Bill, in the earlier stages, it will be binding on all the other stages, including even the third reading stage—of course, it is open to the hon. Members to reject it but the scope of the discussion in the third stage is limited as against the scope of the discussion at the consideration stage—in view of all these, the Rules Committee tried to make the best of a bad situation Article 368 applies only to the passing of the Bill. Now, as I am advised and as the Members of the Rules Committee considered, if it is sought to be enforced and if it applies strictly, nobody can insist upon an absolute majority of the Members of the House to come with a special majority of the Members in between. What has been done has been done with the best of intentions.

So far as rule 167 is concerned, it says that clause after clause of the Bill shall be put to the vote of the House and shall be carried by a special majority. It is there. Even now it is there. The proviso only says that in cases where there are no amendments and one clause follows another, a number of them can be put together to the vote of the House with the unanimous concurrence of the House. Even if they are to be put separately or together, a special majority is necessary and the necessary number of Members ought to be there. Division on each clause will take time—going into the lobby and coming out each time. It does not make any difference either, if a group of clauses is put together. So, power is given to the Speaker under the existing rule to put all the clauses together with the unanimous concurrence of the House. But the point is: should it stand? In practice, what does it mean? If one hon. Member says: No, I want this particular clause separately, and another Member mentions another clause, the Speaker cannot put to the vote of the House all the clauses together. He is bound to put every clause separately.

As against this, Shri Kamath pointed out rule 126 and said that we had been going behind it. He has forgotten that, without the consent of the House, the Speaker, if he so chooses, can club all the clauses together and put them to the vote of the House. No doubt, one hon. Member can get up and say: "Put

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this clause separately". That does not mean that he can go on asking to put clause after clause separately. The earlier portion of rule 126 places absolute power in the discretion of the Speaker. The view of the House is not taken at all. There is not even the unanimous concurrence of the House; not even the normal concurrence of the majority is cared for. The Speaker can put them together in his discretion. We are not interpreting the language correctly if we say that by this we draft into a worse position.

Shri Kamath: There is the proviso.

Mr. Speaker: I am not going to allow the tail to wag the head. The hon. Member need not interrupt me. I am not exchanging views; I am saying what I think to be proper. Therefore, by this rule 126 to say that you are making it appear that it is easier and less rigorous than for an ordinary Bill is not right.

Under rule 126, it is true, when the Speaker exercises his right and says that all these clauses to which amendments have not been moved can be put together, it is open to an hon. Member to say that a particular clause shall be put separately. I consider it so. That was my view also in the Rules Committee. It has always been the practice. If an hon. Member says that, on account of the particular importance of a particular clause, it must be put separately, it is done so. My reading of the rule 167 is that it is subject to rule 127. There is also a specific rule 171. In all other respects, it says that the other rules shall apply. But even in rule 167, whereas it is obligatory on the Speaker to put clause after clause, all of them together can be put to the vote. He may put those clauses together. The one is obligatory and the other is optional. When the hon. Member feels that he has no majority but merely to drag on, he goes on saying: "Put this also to the vote.", it has not been specifically provided for. Whoever occupies the Chair then, will give due weight to all this. As pointed by Shri Kamath, he may have some objection. There may be only twenty out of five hundred Members. These are all cases where the Speaker will certainly exercise his discretion and allow particular clauses to be put. Therefore, there need be no misunderstanding so far as this is concerned. This will be satisfied with the removal of the word 'unanimous'. The 'concurrence' of the House is enough. Under those circumstances, no hon. Member need have any difficulty or fear that the rights of the House will be taken away an amendment of the Constitution will be passed lightly. Under those circumstances, I will now put the question to the vote of the House as to whether the amendment suggested by the Rules Committee in its Second Report that the present rules may stand and also the proviso, without the word 'unanimous' so that any number of clauses can be put together. It is open to Shri Kamath, if he still wants, to object, in spite of what all I have said about the powers of the Speaker and ask the clauses to be put separately. He may do so.

The question is:

"In the first proviso to rule 167 the word 'unanimous' shall be omitted."

The motion was adopted.

Mr. Speaker: So far as rule 169 is concerned, there are several stages after the introduction of the Bill—consideration stage, reference to a Joint or Select Committee, circulation, etc. It is the unanimous view that the circulation motion need not be carried by a special majority. So far as the consideration motion is concerned, it is not sought to be interfered with. It requires the majority. The only point is this. It may be sent to a Select Committee. The motion for reference to a Select Committee may be thrown out. Then, the report of the Select Committee is brought before the House and a motion, that the report of the Select Committee be taken into consideration, is made. The House can very well say: "It shall not be taken into consideration." There is no doubt some difference as to what can be said on the earlier motion and on later motion. There are various ways in which, the House, if it is otherwise inclined and does not want to allow a Bill to be passed, can throw it out. The Rules Committee was conscious of the fact. But, all the same, they felt this way. At the early stage, at the time of sending it to the Select Committee, Members need not be kept daily in attendance until the Select Committee comes back with its report. In between there may be some difficulty. Under those circumstances, practically no substantial difficulty or injustice will arise. It is only a technical one. Nothing is lost if this arrangement is made which is done fully conscious of the fact that, whereas on one side it was said that no special majority is neccessary at no stage of the Bill, we have restricted it and applied it only in respect of one stage and that is when the Bill is sent to a Select Committee. After it returns from the Select Committee the House can consider it and insist on a majority. Therefore, that is only a small difference or there is no difference made. Under those circumstances the Rules Committee thought that this is a very wholesome provision not unnecessarily putting restriction or making an unnecessary special provision. But, all the same, the rights of the House have been sufficiently safeguarded. I will now put the amendment made by the Rules Committee to the vote of the House.

Shri Nambiar: My amendment has to be put first, Sir.

Mr. Speaker: I will come to his amendments. What is his amendment ? "It" is a pronoun and "Bill" is a noun. At the earlier stage the word "Bill" is used and later on, in the other clauses, the word "It" is used. If the word "It" is not to be used and everywhere the word "Bill" has to be used, then there is no need for a pronoun in the dictionary at all. (*Interruptions*). I shall only to the substantial amendment of Shri Nambiar.

Shri Raghavachari: Sir, with your permission, I might submit that the word "It" has already been substituted by the word "Bill" by an earlier amendment of the Rules Committee.

Mr. Speaker: If that is so, then by way of abundant caution it has been done here also.

I will now come to the substantial amendment of Shri Nambiar which says that even at the earlier stage of a Bill before it is sent to a Select Committee, there ought to be a special majority.

Shri Kamath: There is my amendment also.

Mr. Speaker: I will take both of them together. They sail in the same boat. The question is:

> "That the present Rule 169 be continued with the provision that even at the stage when a Bill is referred to a Select Committee or Joint Committee, a special majority as provided in Article 368 of the Constitution is necessary."

Those in favour will please say 'Aye'.

Some Hon. Members: Aye.

Mr. Speaker: Those against will please say 'No'.

Several Hon. Members: 'No'.

Mr. Speaker: I think the 'Noes' have it.

Some Hon. Members: The 'Ayes' have it.

Mr. Speaker: All right. hon. Members will rise in their seats.

Shri Nambiar: We want a division, Sir.

Shri Kamath: It is a matter of principle, Sir.

Mr. Speaker: There is no matter of principle involved. Let me have an idea first. If hon. Members are under the impression that they will get some more Members if I ring the bell, I will ask for the bell to be rung and thereafter I shall ask them to stand in their seats.

Shri V. P. Nayar (Chirayinkil): We want our names also to be recorded.

Mr. Speaker: Names will remain by good deeds. Now, let the bell be rung.

Shri Kamath: This is a good deed, Sir.

Mr. Speaker: I shall now put the amendment to the vote of the House again. The question is:

> "That the present Rule 169 be continued with the provision that even at the stage when a Bill is referred to a Selct Committe or Joint Committee, a special majority as provided in Article 368 of the Constitution is necessary."

Those in favour will please say 'Aye'.

Some hon. Members: Aye.

Mr. Speaker: Those against will please say 'No'.

Several Hon. Members: 'No'.

Mr. Speaker: I think the 'Noes' have it. The amendment is negatived.

Some hon. Members: The 'Ayes' have it.

Mr. Speaker: All right. Hon. Members will rise in their seats.

Shri Kamath: Sir, I rise on a point of order. I wish to draw your attention to Rule 385, where it is said:

> "After the lapse of two minutes he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

[Shri Kamath]

> If the opinion so declared is again challenged, he shall direct the "Ayes" to go into the Right Lobby and the "Noes" into the Left Lobby...."

Therefore it is mandatory, Sir.

Shri Nambiar: There is no question of standing up.

Shri S. S. More: There is sub-rule (3) also.

Mr. Speaker: I know it. What happens is, first of all I put it to the vote of the House and judge it by the voice. If it is challenged, it is open to me to say: "All right, I will see once again" and put it to the vote of the House again. Then if I order a division, the bell must be rung. Now I have rung the bell for the purpose of enabling the hon. Members to get their support. I have never said that I will order a division. I only wanted to see if you were going to get greater strength. That is all what I have said. Advisedly I said, it is not for purpose of challenging and putting it to division. I only wanted to give the hon. Members an opportunity to get their Members here. All that I said has been noted down already. If I had noticed that their benches are full after the bell was rung I would have certainly ordered a division. They have not yet enriched their numbers even after two minutes time.

The point here is not about 'Ayes' or 'Noes'. If the opinion of the Speaker about the decision of a question is challenged it is said: "he shall order a division". I do not see that there is any challenge made on my opinion so far as the numbers are concerned. There is no challenge at all.

Shri Nambiar: That does not matter.

Mr. Speaker: I never thought that it is a challenge. I never accepted it as a challenge. (*Interruptions*). Order, order. hon. Members cannot go on interrupting like this.

Shri S. S. More: "Challenge" is a technical word, Sir.

Mr. Speaker: All that the hon. Members wanted was that their names should be recorded. I said, if 100 people stand here, then it is worthwhile spending the time of the House and noting down their names. I therefore wanted to see how they were going to enrich their number. They have not enriched themselves even after two minutes. Therefore, it is not a question of challenge and I have not accepted it as a challenge. They only want to chronicle their names, which I am not prepared to do.

Shri Kamath: I again rise on a point of order, Sir. Under the Rules the bell is rung only at a particular stage.

Mr. Speaker: The hon. Member is only reading some old Rules.

Shri Kamath: Let me have new Rules, Sir.

Shri A. M. Thomas: The Rule has been amended and it is provided:

> "If the opinion of the Speaker as to the decision of a question is challenged, he may, if he thinks fit, ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on account being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded."

The situation does not change even though the Division Bell has been rung.

Even at this stage it is not necessary to record the names.

Shri Kamath: If it is challenged?

Shri Nambiar: We should not argue so much on granting of a division. This is only a reasonable demand.

Mr. Speaker: I would once again ask the hon. Members who are in favour of the amendment to stand in their seats. If they do not do so now I will declare the result by voice.

Shri Kamath: We stand under protest, Sir.

Mr. Speaker: The hon. Member has been protesting several times. I will have to ask him to be bodily removed.

Shri Kamath: Yes. I am prepared.

Mr. Speaker: There are 16 Members in favour of the amendment. Now, those against the amendment may kindly rise in their seats.

Several Hon. Members *rose.*

Mr. Speaker: There is a large number. So, by an overwhelming majority the amendment is negatived.

The motion was negatived.

Mr. Speaker: The question is:

"That this House agrees with the Third Report of the Rules Committee laid on the Table of the House on the 25th April 1956."

The motion was adopted and the Lok Sabha agreed to the amendments to the Rules of Procedure as recommended by the Rules Committee.

Mr. Speaker: The motion is adopted and the House agrees to the amendments to the Rules of Procedure as recommended by the Rules Committee.

STATES REORGANISATION BILL—*contd.*

Mr. Speaker: The House will now resume further discussion of the motion moved by the Home Minister on the 23rd of April for reference of the States Reorganisation Bill to a Joint Committee. The hon. the Home Minister will now reply to the debate.

The Minister of Home Affairs (Pandit G. B. Pant): Sir, we have had ample time to study the way discussions have to be profitably conducted in this House during the last hour and a half. I heave a sigh of relief that I have the opportunity of saying a few words now.

Sir, the discussion on the motion which I had the privilege of placing before this House on Monday suggesting the reference of the States Reorganisation Bill to a Joint Committee has taken almost three full days and during the course of the debate more than fifty speeches were delivered. The points that have arisen as a result of the long debate do not call for any detailed examination at this stage. We are not taking any final decision and all that is necessary is to take note of the comments and suggestions that have been made and the views that have been expressed so that the members of the Joint Committee may have the benefit of the opinions expressed by hon. Members of this House.

The debate has, however, served a very useful purpose. I was glad to notice a distinct change in the atmosphere and the temper of the House and the Members. On the whole, the debate was conducted at a high level, with dignity and decorum but for one or two lapses. The matters under discussion had convulsed the country at one stage and had caused considerable commotion at certain places. Time, however, has had a mellowing effect. The atmosphere at the time we discussed the proposals which were mostly alike to those contained in this Bill in December last was murky. Several of the speakers struck notes of disappointment, pessimism, disquiet and even concern. The circumstances have agreeably changed to a certain extent.

We have heard the speeches delivered during the last three days. There was a manifest feeling of achievement and those who did not agree were actuated by a deep sense of sincerity and earnestness. But, on the whole, it can justifiably be claimed that the scheme embodied in the Bill had met with the general approval of this House. Most of the controversy centred round the City of Bombay. I do not propose to refer to that at least just now. The question has been discussed not only in this House but also outside threadbare in all possible aspects and all the pros and cons have been, I thing, examined by the people who are interested in this vital problem. But if you leave aside that problem of Bombay which has become almost baffling and to which the solutions proposed so far have not appeared, at least to some of the hon. Members and to certain sections of our people, as satisfactory and conducive that question of Bombay still continues to loom large, but if for the time being; we put it out of the way, that we find that the proposals contained in the Bill have the general support of this House. It is a matter of gratification not only to me, but it should be so also to the hon. Members that the ticklish, intricate, delicate and complicated questions relating to the reorganisation of States and matters incidental and consequential thereto have been by and large satisfactorily settled. The controversies with regard to most of the matters have been set at rest.

I should like hon. Members to imagine for a moment the formidable character and the magnitude of the task in which we are all engaged. We are virtually redrawing the administrative map of India and it must be a heartening experience that with the aid of the democratic process, the sagacity, the goodwill and the co-operation of hon. Members of this House and other public men we have been able to reach conclusions which are embodied in this Bill and

[Pandit G. B. Pant]

which have the blessings of the bulk of the people in the country.

Sir, sometimes it is said—and some of the hon. Members in the course of the discussion also made observations to this effect—that it would have been safer if we had adhered mechanically to the recommendations made by the States Reorganisation Commission. I want safety. I stand for it, but not at the cost of the public weal and general good of the people. We have attached considerable weight to the recommendations of the Commission and, as the hon. Members may be remembering we had made every effort to keep the country, to the extent it was possible, in a receptive mood on the eve of the publication of the report of the Commission. It was our endeavour that the recommendations might be received with sympathy and respect. But we could not abdicate our functions. While we were throughout persuading the people to be prepared for a cordial reception of the recommendations, we had to take account of public opinion and to see that the final decisions were made with the general approval of the people concerned and also of the community at large. So, certain changes had to be made. I would like those who were of the opinion that the proposals of the Commission should have been accepted as they were, to see whether the position today would have been better or worse if those recommendations had been bodily incorporated in the Bill.

First of all comes the Commission's proposal for a bilingual State for Bombay. I have expressed my views about it more than once. But our friends from Maharashtra not only did not like that proposal but they would not look at it even. They had almost an unbounded aversion for it. In the circumstances, to impose it on them would have been hardly wise, useful or helpful for that calm atmosphere which we need in the country for its development and growth. That had then to be discarded. We had also other proposals. But so far as this particular view is concerned, it was replaced by the suggestions for the formation of the State of Maharashtra with Vidarbha, the State of Gujarat and a Centrally administered Bombay. So far as the formation of Maharashtra with Vidarbha is concerned, it was welcomed by our friends in Maharashtra and everybody in Maharashtra liked the change. Would it have been to our advantage if Vidarbha, as proposed by the Commission, had been kept separate? According to the recommendations of the Commission, Vidarbha was to be formed as a separate State, not for any limited period but for an indefinite period of time. In the circumstances, if we had stuck to that recommendation, I think we would have taken a very serious risk.

Then, in the place of that recommendation, we persuaded Vidarbha to join Marathwada and other districts of Maharashtra so that there may be a composite Maharashtra State. So far as that goes, there is no objection to such a State from any quarter and all have hailed it with satisfaction. Then, we suggested a composite State of Gujarat in which Saurashtra and other districts of Bombay State were included. That too has been on the whole received with satisfaction.

With regard to Bombay, I have little doubt that with the States of Maharashtra and Gujarat, the proposal for a Centrally administered Bombay is less open to objection even to the friends from Maharashtra than the original bilingual State suggested by the Commission without Vidrabha. We would have been glad if we had succeeded in having a bigger bilingual State for Bombay and Maharashtra and Gujarat. That would have fulfilled the dreams of some of the visionaries. Besides it would have brought the day of fruition and fulfilment nearer in other States also, but so far, we have not succeeded. I had a scheme which was outlined by Shri S. S. More, one on which he has bestowed ample thought, and it would have been a matter of genuine pleasure to me if even this scheme had been accepted. But even that has not materialised. I do not want to say more about Bombay, but this much I can say. The formation of the States of Gujarat and Maharashtra, on the whole, is regarded as an improvement, congenial to the inner being of the two communities, over the original proposal that had emanated from the Commission. In the circumstances, we can count upon their generosity and indulgence so that the two States consisting of the fine elements of Indian nation may constructively and co-operatively act together to raise the stature of the common man not only in their respective States but in the whole of India as has been their practice and their custom in the past. So, the change made has been for the better.

Now, let us see what are the other changes we have made. The Commission had suggested that the residuary State of Hyderabad called Telangana should be kept separate from Andhra for five years and might be even for a longer period. That State of Andhra-Telangana has now been evolved and this united State will come into existence along with the others on the 1st October, I hope. This again has given satisfaction to the people of Andhra. They had been looking forward to this consummation of their aspirations and they are naturally happy that this has come.

While I am speaking of the unification of Telangana and Andhra, I might also refer to Bellary. With the inclusion of Telangana with Andhra, they can have not craving and no greed for a small additional bit of territory. So, we do not feel any serious need for the transfer of Bellary. Bellary had been allotted to Mysore or Karnataka by the award of Misra and also by Wanchoo. That also in a way had been agreed to by the leaders of Andhra at an earlier stage. Even the Commission had suggested the transfer of Bellary to ensure the implementation, maintenance and proper management of the Tungabhadra Project. That has been fully ensured and we have undertaken this responsibility on ourselves. So, this should give satisfaction to all concerned.

Himachal Pradesh has been kept separate. Hon. Members are aware that when the States Reorganisation Bill was circulated, there was a small paragraph in the explanatory note to the effect that ultimately Himachal Pradesh would be merged with Punjab. Even that has caused enough of discontent in Himachal. They cannot think of ultimate merger even with Punjab. That indicates the depth of their sentiments. In the circumstances, the change that we have made, keeping Himachal Pradesh separate for some time—I cannot say for how long—is certainly a step which satisfies the cravings and yearnings of the people of Himachal and must on that account be considered satisfactory.

The other change that we have made relates to the State of Punjab. Punjab and PEPSU will be a fine compact State now. We have decided to set up two regional Committees there, in accordance with the scheme which I had the privilege of placing on the Table of the House some time ago. The festering sore has been healed and Punjab which had vast potentialities and which deserved to occupy the foremost place in this country had suffered because of a cleavage between two important sections of people living in that land of heroes. When this cleavage is removed and healed, then we can look forward to an era of co-operative and sustained endeavour for the progress and advancement of this State of Punjab. I was told that some people would like to call these two regions "Eastern" and "Western" instead of "Punjabi-speaking" and "Hindi-speaking". I think there will be no objection to that. An enquiry was also made whether applications could be presented in the courts in both languages. According to our Constitution, applications can be presented in any of the 14 languages in any court and in any any office in our country. So, there need be no doubt on that score.

I have referred to the principal changes that we have made. We have so far kept Tripura separate from Assam. We have done so at the instance and on the request of the people of Assam as well as Tripura. But there has been a shift in opinion and I would not be surprised if both of them come to agree about the inclusion of Tripura in Assam. But, that will be for the Joint Committee to consider.

I have referred to the changes and I make bold to say that all that we have done has led to a large measure of agreement. The scheme that is embodied in the Bill has now the support of almost all people who are connected with most of these proposals. As I said, controversy has centred round the city of Bombay. That I am leaving aside. So far as the other items are concerned, there is general agreement and that should hearten us in going forward in the direction which we have chalked out for ourselves, so that the aim which we have may be achieved as speedily as may be possible.

In the course of the discussion on the Bill, references were made to certain other matters also. I think I have dealt with the questions pertaining to the readjustment of boundaries. The Bengal-Bihar merger proposition was also the subject of some criticism. I think all this powder and shot is being aimed at something which does not exist today. We do not yet know whether it will materialise or not.

Shri Nambiar (Mayuram): So, is the merger proposal given up already?

Pandit G. B. Pant: I do not know; you know more than I do. So far as I am concerned, I await the proposals of the States concerned. Whatever is done, so far as the merger or unification or union is concerned, it will not be possible to take any step in that direction except with the wiling consent, the initiative and at the instance of the two States affected by it.

Shri N. B. Chowdhury (Ghatal): Do "States" mean "Chief Ministers"?

Pandit G. B. Pant: The Chief Ministers are there to be guided by and to guide the people of their respective States.

Shri S. S. More (Sholapur): May I know whether a detailed procedure will be laid down to ascertain the will of the people?

Pandit G. B. Pant: The will of the people will be ascertained as we have been trying to ascertain it in other cases; and at least the conclusions that are reached will show that they are in accord with the will of the people.

An hon. Member: Question.

Pandit G. B. Pant: Why question? You have lack of faith in yourself. Otherwise, I do not see why one should not hope that ultimately what is evolved will be so evolved only with the full consent of the citizens of the two States, I mean of course, the bulk of the people; a few stray individuals here and there have their own vagaries or idiosyncracies, that is a different thing. But a large body of public opinion should be with the proposals. Otherwise, they cannot materialise in a fruitful way. I do not really understand why there is so much of excitement over this today when the whole thing is in a fluid state and ample thought is being given by every one who is interested in the problem, so that the ultimate result may be really satisfactory and may conduce to the progress of both the States. But, that is a matter of habit. Sometimes people cannot be prevented from fishing in waters if they see them troubled. So far as that matter goes, as I have said in the explanatory, note, we will wait for the decision that may be reached by those States. Then a Bill will be introduced regarding those States. The Joint Committee has little to do with that matter today.

The zonal councils came in for some comments in the course of the discussion here during the last three days. As hon. Members may be remembering, when the suggestion for zonal councils was made by the hon. Prime Minister in the course of his speech in December, it was hailed almost by all sections of the House as an effective antidote to the spirit of separatism, parochialism, and fanatical linguism which had been displayed during those days. This proposition had almost unanimous support of the House. We had a meeting of the Chief Ministers of the States and it was, so far as I remember, also welcomed by all of them or almost all of them. A suggestion has been made by some Members that statutory powers should be given to the zonal councils. I think that such a step would be pernicious. The autonomy of the States should be maintained. While the zonal councils can enable the representatives of the States to meet together to discuss matters of common interest and in order to foster and facilitate the process of development, the final word should rest with the States. The zonal councils should not impinge upon the orbit of authority of the States.

Shri S. S. More: Is the scheme of your zonal councils identical with the council visualised in article 263?

Pandit G. B. Pant: I do not know. The scheme is before you now, in the States Reorganisation Bill. It is slightly different from that inasmuch as the zonal councils are of a purely advisory character. Under this clause, there may be occasions when the body so formed may also carry some authority. We examined that. We found there was that possibility.

Shri S. S. More: That Council is meant for advice.

Pandit G. B. Pant: If that difference does not exist, the two are alike. But, we have guarded against that possibility. I think there was need for that caution.

Some arguments were advanced, some with considerable vigour about the Centrally administered areas. I would have been surprised if sitting here in Delhi, all had forgotten Delhi, the big city which has a historical place in our annals. So, we all are anxious that the administration of Delhi should be conducted in an efficient, smooth, satisfactory, progressive manner.

Shri Nambiar: Not democratic?

Pandit G. B. Pant: Also democratic as the entire administration of this country which is subject to the control, supervision, regulation and guidance of this House, is conducted on democratic lines. But, I may also state that I am myself anxious that so far as it may be consistent with the objective which I have just stated, the people may be associated with the administration of local affairs of Delhi. By local affairs I do not mean exactly what is meant by the subjects which come within the scope of local self-government. So, I share that desire too. I hope that they and we all will keep the real objective before us in framing a satisfactory scheme. It is after all the welfare and wellbeing of the common man, the security of the State and the maintenance of the dignity of the Metropolis which all have to be taken into consideration in framing the scheme for Delhi. One does not want only wish to restrict the authority of the people, Ultimately they are the source of all authority and the sovereigns of the land.

Something was also said about other States which are to remain under direct Central care. What I have said would generally apply to them. Manipur also has been pressing for some sort of a mechanism in which the people would have some little say. That will be borne in mind when we deal with this question. The Centrally administered areas are of various types and various grades and today they have the proud privilege of having Bombay in their list. So, they should not feel in any way depressed because they come within the category of Centrally administered areas. I would any day like to be an inhabitant or a citizen of any area which could be deemed to be at par, with Bombay, the greatest city in our country.

Shri C. K. Nair (Outer Delhi): Because of the feeling that Bombay is not going to be there permanently.

Pandit G. B. Pant: I have not been able to follow. I think we may better talk outside, because the time is limited.

Shri Radha Raman (Delhi City): What I meant, Sir, was that I am afraid Bombay is going.

Pandit G. B. Pant: Going where? Going to Madras?

Shri Radha Raman: It is not going to be a Centrally administered area.

Pandit G. B. Pant: Whether it goes to Maharashtra or whether it is to be Centrally administered, it will still be Bombay and we will have the privilege of regarding it as one of the most glorious cities in our country.

There was some suggestion made about the setting up of a boundary commission. We would very much like the new States that are being carved, to settle their boundaries by agreement. But, wherever necessary, we have the power under the Constitution to appoint boundary commissions and there would not be difficulty in suitable cases in taking such a step.

Certain observations were made about High Courts too. In the Bill, a different scale of salaries has been provided for certain States, such as Mysore and Travancore-Cochin. There, the judges are getting a lower salary than in other States. Rajasthan too comes within that category. Rajasthan wants the scale that is at present in vogue in other States to be extended to Rajasthan too. If the other two States express a similar desire, we will certainly be prepared to meet with their wishes. So, people have to persuade them to agree to this arrangement.

There is another matter concerning the High Courts, to which reference has been made. The Bill does not provide that every judge of the High Court will be reemployed in the new States. But there are judges of various types, and some of them who were serving in the old States before their merger were getting salaries amounting to a few hundreds of rupees only. The Chief Justice of India or some other judicial authority will perhaps like to be satisfied whether all those judges should be appointed on the new scales of salary, and whether they would all be sufficiently proficient and competent to discharge the duties of judges of the High Court. But otherwise, we have the intention of reemploying everyone, and also to take into account the service that has been rendered by them so far.

Some proposals have been made about zonal States. It has been suggested that all the States which are included in a zone should have one Governor, one Public Service Commission, and one High Court. I do not know if such a uniform rule would be practicable, because in some cases, the States which would come within a particular zone would be too many. But wherever the

[Pandit G. B. Pant]

States wish to have a common Governor or a common High Court or a common public Service Commission, we shall be prepared to comply with their wishes. But the wishes of the States will have to be taken into account in taking final decisions with regard to these matters.

The Raja Sahib of Patna referred to Seraikella and Kharswan. And in that connection, he said that the outbursts of violence should not come in the way of these States being transferred to Orissa. Even if there be no argument in support of the proposal, then the violence by itself may be regarded as an adequate argument in his view, because he has not refrained from inciting people for organising breaches of the law. And it is really regrettable that things should have taken such tragic, unfortunate and unseemly turn in Orissa, as nobody could ever have expected in that quiet and peaceful State.

Shri R. N. S. Deo (Kalahandi—Bolangir): Who was responsible for inciting them to violence?

Some hon. Members: You.

Shri R. N. S. Deo: Would the Home Minister appoint a tribunal to go into this question, and punish the guilty persons?

Pandit G. B. Pant: I think it is one of the fashionable ways of shielding oneself and seeking some sort of refuge, to suggest the appointment....

Shri S. S. More: Is this sort of unilateral accusation another fashionable way?

Pandit G. B. Pant: This is not a unilateral accusation. So far as my statement goes, that is not disputed.

Shri R. N. S. Deo: It is disputed. I dispute that statement. I challenge that statement.

Pandit G. B. Pant: I have to say that a number of speeches were delivered asking people to break the law, and to break legitimate and lawful orders. If that is disputed, I should like to know.

Shri R. N. S. Deo: The incitement was made by Congressmen, by the reported resignation of the Congress Ministers, and by the Congress newspapers which came out with editorials like 'Sabash Congress'. That is how the incitement was made.

Pandit G. B. Pant: I am not holding a brief for the Congress. If the Congress did so, it did a wrong thing.

Shri Sadhan Gupta (Calcutta South-East): The less said, the better.

Pandit G. B. Pant: I think at certain times it is better to have the whole thing out than to secrete it. I think that it was a very sorry and sad chapter in Orissa. And whoever pleads that violence should not come in the way of anything being done, having seen all that has happened there, is taking a tremendous risk. No responsible citizen can disregard the evil course that the country is bound to take, if violence leads to results which people want to achieve, if not in other ways, then through violence.

So far as other matters are concerned, such as those pertaining to services and so on, I do not think it is necessary for me to take more time of the House. The Bill will go to the Joint Committee, and it will be examined in all its aspects. As I have said, so far as the proposals contained in the Bill are concerned except as regards the city of Bombay, there has been little criticism. Whatever has been said is more of a helpful and friendly sort, of co-operative effort than condemnation of what has appeared in the Bill. I hope that the Joint Committee will further improve it, and by the time we reach the journey's end, we shall have solved the problem to the satisfaction of every sensible citizen of India.

It is a great task. It is a difficult task, and it is a delicate task. It is necessary for all of us to join hands, so that the new map of India may fully indicate the wisdom, the sagacity, and the far-sightedness of the people of this land and of the hon. Members who have the privilege and the opportunity of sitting in this House today. I hope that when this map appears in a concrete shape in the course of the next few months, it will fulfil the hopes and dreams of all of us, and it will lead the country on to a position which it deserves to occupy and enable all of us to work together for the uplift, the cultural, the material, the spiritual and the economic advancement of every citizen living in this land.

Mr. Speaker: I will first put the amendment to the vote of the House.

The question is:

"That in the motion—

after 'and 17 members from Rajya *Sabha*', *add*:

'with directions to include in the Bill such provisions for the amendment of the First and Fourth Schedules to the Constitution as may be necessary'."

The motion was adopted.

Pandit G. B. Pant: I beg to move two amendments to the list of names, as two Members, Shrimati Ammu Swaminadhan and Shri V. N. Tivary are not in a position to serve on the Committee. In place of Shri V. N. Tivary, the name of Shri Algu Rai Shastri may to be substituted and in place of Shrimati Ammu Swaminadhan, the name of Shrimati Tarkeshwari Sinha may be substituted.

I beg to move:

(i) That in the motion—

for "Shri V. N. Tivary" *substitute* "Shri Algu Rai Shastri"

(ii) That in the motion—

for "Shrimati Ammu Swaminadhan" *substitute* "Shrimati Tarkeshwari Sinha".

Shri M. L. Dwivedi (Hamirpur Distt.) May I know what is the reason for which these Members have withdrawn from the Committee?

Shri Radha Raman: They are not in Delhi.

Mr. Speaker: It is open to them to accept or not.

Pandit G. B. Pant: As regards Shrimati Ammu Swaminadhan, she had herself suggested that some lady Member should be there. In the circumstances, she thought that it would be awkward for her to be there; she also said that she might not be here when the Committee met.

Shri V. N. Tivary said that he would not by himself alone like to be there.

Shri M. L. Dwivedi: May I know the reason. . . . .

Mr. Speaker: What is this knowing about?

Shri M. L. Dwivedi: The object has not been fulfilled. I want to know whether any steps have been taken to fulfil that object. Because he was the solitary Member from a particular State on the Committee he felt that he would not be able to voice the grievances of his State. So many things are said in the S.R.C. Report. I want to know whether sheps have been taken to satisfy that demand.

Mr. Speaker: When a motion for reference of a Bill to a Joint Committee is made, any hon. Member can speak on the subject-matter; he can say that so many hon. Members ought to be there; he can make further representations. But at this stage, it is not open to an hon. Member to ask for the reasons why a Member is not sitting on the Committee. If the hon. Member wants four other members from a particular State to be there, he could have asked for it earlier. In stead of putting a question to the hon. Minister now, he could have said that Shri V. N. Tivary did not like to be alone and there should be four others along with him. There could be no objection to that at that stage. But when Shri V. N. Tivary refuses to stay there except on his own terms, how can we catch hold of his hands and keep him there?

Shri R. D. Misra (Bulandshahr Distt.): On a point of order.

Mr. Speaker: Let me place the amendments first before the House. Then I will hear the point of order.

The Minister of Commerce (Shri Karmarkar): It is a point of disorder.

Mr. Speaker: Amendments moved:

(i) That in the motion—

for "Shri V. N. Tivary" *substitute* "Shri Algu Rai Shastri".

(ii) That in the motion—

For "Shrimati Ammu Swaminadhan" *substitute* "Shrimati Tarwari Sinha".

What is the point of order?

श्री आर० डी० मिश्र: जब यह बिल यहां पेश किया गया और उस पर डिस्कशन शुरू हुआ तो यहां पर यह कह दिया गया कि यू० पी० वालों को तो कुछ कहना ही नहीं है और उन को बोलने का मौका भी नहीं दिया गया। यहां पर हमारी स्टेट की तरफ से एक किताब बांटी गई। जो हमारे लेजिस्लेचर ने यूनेनिमस बात कही उसको भी यहां रखने का मौका हम को नहीं दिया गया। यहां अक्सर यह कहा जाता है कि यू० पी० तो सारे हिन्दुस्तान पर डामिनेट करता

[श्री आर० डी० मिश्र]

है। यह ठीक है कि यहां पर यू० पी० के ८६ मेम्बर हैं, लकिन हम कभी भी यह नहीं चाहते कि हम किसी पर डामिनेट करें। मैं तो कहना चाहता हूं कि यू० पी० भी तमाम देश का एक हिस्सा है श्रौर उसको भी सारें हिन्दुस्तान के लिये कुछ कहने को हक है। लेकिन बम्बई तक पर उसे कुछ कहने का मौका नहीं दिया गया। उस के बाद जब कमेटी बनाई गई तो उस में भी एक ही आदमी रखा गया, यह समझ कर कि यू० पी० वालों को उस के ही सामने कुछ ज्यादा रखना नहीं है। मै पूछना चाहता हूं कि क्या यू० पी० वाले इस मामले में कुछ कहने एन्टाइटल्ड नहीं हें ?

Mr. Speaker: There is no point of order. There may be 80 Members from U. P. One Member was chosen. The hon. Member forgets that the hon. Home Minister is equal to all the hon. Members put together.

Shri R. D. Misra: He is a member of the Government of India. He cannot plead anything for U.P. as such. Neither he nor the Prime Minister can say anything about it. Our point of view cannot be put by us before the House because the Chair does not allow us to speak.

Mr. Speaker: Order, order. It is not so. The hon. Member was not so vehement during the debate as he is now after the close of the debate.

Shri R. D. Misra: I was not allowed to speak during these three days.

Mr. Speaker: There is no desire to shut out any hon. Member or any particular section or State. Fifty-three Members have been allowed to speak I will allow other Members to speak on the Constitution (Ninth Amendment) Bill. Both of them put together will come to 80 or 85. As regards U.P., the only point was that some Members were anxious that U.P. should be cut. I do not want to enter into controversies over this matter. Also, as much enthusiasm as was shown in the case of Bombay was not shown with respect to that matter.

Shri Feroze Gandhi (Pratapgarh Distt. —West *cum* Rae Bareil Distt.—East): May I suggest that the Home Minister invites individual Members from U.P. to express their opinion to the Joint Committee?

Mr. Speaker: It is open to the Joint Committee to invite all the 80 members from U.P. to come and sit there.

Shri R. D. Misra: It is not so. When the Bill to amend the Code of Criminal Procedure was referred to a Joint Committee, Pandit Thakur Das Bhargava and I went there. None of us was allowed to speak even.

Pandit Thakur Das Bhargava (Gurgaon): The rules are changed now. Previously any Member could go and take part in the discussion. But according to the new rules, a Member who is not on the Committee should sit mum and should sit separately.

Mr. Speaker: I am sorry I did not follow the change. Anyhow, I will see how it could be avoided.

Lala Achint Ram (Hissar): It must be avoided. It is a great handicap.

Mr. Speaker: The Committee can invite all hon. Members who want to make their representations. I will instruct the Chairman of the Committee to give such opportunity to hon. Members. But, of course, they must be very careful not to disturb the proceedings.

Shri M. L. Dwivedi: They should be allowed to participate in the proceedings.

Mr. Speaker: It is left to the Committee. It can take such evidence from any Member, not only members from outside the House. I leave it to the Committee. The Committee has ample powers to invite all hon. Members who have something to contribute so far as this matter is concerned. They have only to write to the Committee to allow them to make their representations.

Now, I will put the amendments to the vote of the House.

Shri Sadhan Gupta: On a point of order. Shrimati Ammu Swaminadhan's name came in by way of an amendment itself. Therefore, the amendment has to be put separately by way of an amendment to that amendment. The amendment regarding Shri Algu Rai Shastri's inclusion should be put by way of an amendment to the motion itself.

Mr. Speaker: The hon. Member was not here then. As soon as the motion itself was made, this suggestion was made and afterwards it was treated as part and parcel of the motion itself.

Shri Feroze Gandhi: The two amendments may be put separately.

2 P.M.

Mr. Speaker: The question is:

That in the motion—

for " Shri V. N. Tivary " *substitute* "Shri Algu Rai Shastri"

Those who are in favour will say Aye.

Several Hon. Members: Aye.

Mr. Speaker: Those who are against will say, No.

Some Hon. Members: No.

Mr. Speaker: The Ayes have it.

Shri Nambiar: The Noes have it, Sir.

Mr. Speaker: I have already declared that Ayes have it.

Shri Nambiar: I stood up at once and said Noes have it, Sir.

Mr. Speaker: No, no. The voices were overwhelmingly 'for'.

The motion was adopted.

Mr. Speaker: The question is:

That in the motion—

for "Shrimati Ammu Swaminadhan *substitute* 'Shrimati Tarkeshwari Sinha".

The motion was adopted.

Mr. Speaker: Now, the question is:

"That the Bill to provide for the reorganisation of the States of India and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House, namely, Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas, Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri Algu Rai Shastri, Shri Dev Kanta Borooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri G. S. Altekar, Shri G. B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T. Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisoorya, and Shrimati Tarkeshwari Sinha and 17 members from Rajya Sabha, with directions to include in the Bill such provisions for the amendment of the First and Fourth Schedules to the Constitution as may be necessary;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 14th May, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

CONSTITUTION (NINTH AMENDMENT) BILL, 1956

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House, namely—"

and these are just the same which were mentioned when the last motion was put by you to the vote—

"Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri Algu Rai Shastri, Shri Dev Kanta Borooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri, G. S. Altekar, Shri G. B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T.

[Pandit G. B. Pant]

Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisoorya, Shrimati Tarkeshwari Sinha and 17 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 14th May, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Sir, this motion ......

Shri C. C. Shah (Gohilwad—Sorath): May I make a submission regarding this Bill? I think this is the first time that we have a select committee for one Bill identical with the one for another Bill.

Shri S. S. More (Sholapur): No, no.

Mr. Speaker: No, no. There was another committee before.

Shri C. C. Shah: The submission I was making was this. I appreciate that these two Bills are closely inter-related so far as territorial adjustments are concerned. Therefore, it would be convenient to have some Members who are common to both committees. But, you will appreciate that this amendment or amending Bill contains amendments to the Constitution not only arising out of territorial reorganisation but also other....

Shri S. S. More: Is this the stage that an objection of this nature should be taken?

Mr. Speaker: No, no. Let the hon. Minister proceed; if he wants he may move an amendment.

Shri C. C. Shah: I request....

Mr. Speaker: I am not going to allow the hon. Member to continue. The hon. Member was here and the hon. Minister was also available. If he wanted he could have met the Minister and made his suggestions.

Pandit G. B. Pant: This Bill seeks to make amendments, to a large extent, to carry out the scheme of the States reorganisation and also to give effect to certain other provisions relating to the High Courts and High Court Judges, the executive power of the Union and the States and a few entries in the legislative lists.

So far as the part relating to the re-adjustment of boundaries and the formation of new States is concerned, some amendments will have to be made in the Joint Committee, but there are other matters in the Bill which are not, in any way, affected by the reorganisation of States, the provision that judges may be appointed for the High Courts for temporary periods or judges acting to fill temporary vacancies. Similarly, there is the provision to the effect that the judges of the High Court, after retirement, may practise in the Supreme Court or in any other court outside the jurisdiction of the High Court in which they had been previously serving as judges.

There are also other proposals, one of them being to the effect that the strength of the Legislative Councils may be one-third of the members of the Assembly instead of one-fourth, which is the limit at present prescribed. There are also other suggestions which will make it possible to have a common Governor for more than one State, and a common High Court. Some of these proposals already find a place in the Constitution but, wherever amendment was necessary to give effect to the decisions to which I have already referred, amendments have been proposed in this Bill.

There are also certain amendments for the setting up of bicameral legislatures in some States such as Madhya Pradesh. There are also proposals relating to other matters which do not come within the purview of States reorganisation. The States will be competent to carry on any commercial or industrial undertaking about which there seems to be some doubt at present.

Similarly, certain safeguards for linguistic minorities are provided in the Bill. A uniform scale of salaries has been suggested for all High Courts except the three to which I referred just a few minutes ago. There are other proposals, more or less of a minor character, which have also been included in this Bill. I do not think it is necessary for me to take more time of the House at this stage.

Shri S. S. More: Before you put the motion to the House. may I bring to your notice a certain irregularity which is being committed, which you may permit me to raise as a point of order? Under Rule 85, you have to decide which is the original or the first Bill and which is the second or dependent Bill.

> "Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

That is specific. I submit that some how it is very regrettable. But the way in which the Bills have been drafted is such that some of the provisions in the States Reorganisation Bill are dependent on the provisions of the Constitution (Ninth Amendment) Bill and in turn some of the provisions of the Constitution (Ninth Amendment) Bill are dependent on some provisions of the States Reorganisation Bill. Take for instance, the Constitution (Ninth Amendment) Bill, which is moved and look at clause 2.

Mr. Speaker: We have no clause 2.

Shri S. S. More: I am referring to the Constitution (Ninth Amendment) Bill, clause 2. It says:

In article 1 of the Constitution,—

(a) for clause (2), the following shall be substituted, namely:—

> "(2) The States and the territories thereof shall be as specified in the First Schedule" and

(b) in clause (3), for sub-clause (b), the following sub-clause shall be substituted, namely:—

> "(b) the Union territories specified in the First Schedule; and".

If we go to sub-clause (2) which is given here, we will find that three Acts have been referred to. One is the Andhra State Act of 1953; another is section 2 of the Chandranagore Merger Act of 1954 as far as West Bengal is concerned; and the third Act that has been referred to is the States Reorganisation Act, 1956; not only that, but so many sections are referred to in the body. Section 3 is still in the state of a clause because the Bill is yet a Bill to be referred to a Joint Committee. But here section 3, section 4, section 5, section 6, section 7, section 8, section 9, section 10, section 11, section 12 and section 13 are referred to. Only section 14 is not referred to. Sections 3 to 13 are taken as authority under which these States are being created. I submit that the States Reorganisation Bill is far away when it will be styled as an Act.

Mr. Speaker: He has stated the point, I suppose.

Shri S. S. More: One more thing. Besides, I will give you the relevant provisions. Clauses 6 and 8 of the States Reorganisation Bill are dependent upon clause 2, sub-clause (1) of the Constitution (Ninth Amendment) Bill in the definition given in (b) and the First Schedule—the definition given of Union Government, and particularly Part II of the First Schedule.

Mr. Speaker: I have seen this; I have understood the point and I will dispose of it now.

This was the very point raised on another matter and I then said that there ought to be somehow in the Bill a number of sections or articles of the Constitution which have been sought to be amended. The framers evidently thought that the amendments to the Constitution arise on account of the amendment or action taken under article 3 by reorganisation of the States, new States diminution of the States, increase of the States etc., and that those consequential amendments to the First Schedule and the Fourth Schedule ought to form part of the Constitution (Ninth Amendment) Bill. Yesterday I ruled that by virtue of article 4 of the Constitution, amendments arising out of action taken under article 3 by reforming the States and amendments of the First Schedule and the Fourth Schedule must be made part and parcel of the Bill which seeks to take action or is based on article 3. Therefore, an independent amendment of the Constitution is not called for. As a matter of fact, the word used is "shall". In respect of any Bill seeking to make provision under article 3 by reorganising the States, new States, etc., those provisions relating to the First Schedule and the Fourth Schedule must be contained in that Bill itself under article 4—provisions effecting a modification to the First Schedule and the

[Mr. Speaker]

Fourth Schedule of the Constitution will not be treated as a separate amendment of the Constitution under article 368. In accordance with my ruling, the Home Minister tabled an amendment that power may be given for the Joint Committee to effect such modifications in that Bill in the First Schedule and the Fourth Schedule. This may be consequential or may follow the action taken for reorganisation under article 3 of the Constitution. We have just passed it. Therefore, all those provisions here which originally, it was thought, must be introduced in the Constitution (Amendment) Bill, will now be incorporated by way of an amendment. Therefore, the hon. Member need not address himself to the point any further—the one and the other are not separate Bills. If there are any separate provisions, absolutely in common to both, which do not arise out of the action taken under article 3, that is, the States Reorganisation Bill must have provisions which do not arise out of the action taken or follow the action taken under article 3, but independently seek to touch some provisions of the Constitution—and they could not be done unless the Constitution itself was amended—then the question arises that unless the one is passed, the other cannot be taken up. Are there any such provisions?

Shri S. S. More: Take for instance article 214. It refers to the High Courts and says that every State shall have a High Court. As far as the new States are concerned, in clause 45 of the Bill provision has been made to allow one High Court for more States. Then there is the question of allocation of seats. There is the question of the total number of Council seats. In the original Constitution, they shall not exceed one-fourth. Now an amendment is being sought to be made that they shall not exceed one-third.

Mr. Speaker: That may also arise out of the change.

Shri S. S. More: My suggestion is that it is quite possible to create new States without altering the allocation of seats. If you hold the view that even this allocation can be said to be the natural result of the creation of new States, I have nothing to say.

As far as High Courts are concerned, as far as Governors are concerned, as far as the jurisdiction of the Governor over his own State is concerned, these are independent matters which have no bearing on section 4. May I bring to your notice that article 4 does not cover the case of Union territories, it only covers the case of States or alteration of the boundaries of States by diminution or increase? That is my submission. Article 4 has reference to articles 2 and 3.

Please permit me to say this. Under article 1, there is (3) (b). You will find that articles 2 and 3 refer to other items of article 1 except item (b) of sub-clause (3). In the case of a territory to be created, which may be either Union territory or Part D territory, article 4 has no application and article 368 comes into operation.

Mr. Speaker: Article 4 refers to articles 2 and 3.

Shri S. S. More: Article 3 does not refer to article. 2 (b).

It says that Parliament may, by law, increase the area of any State, diminish the area of any State. Increasing the area of a State must be by adding to that State from another State.

Mr. Speaker: It may be territory also. Increasing the area of a State can be done by adding to it any territory specified in Part D or any other acquired territory.

Shri S. S. More: May I bring to your notice that article 3 (a) to (d) refers to a State. It is covered by article 1 (3) (a) and (c). It does not cover item (b) of sub-clause (3) of article 1. There are two kinds of territories. One is the territory of the States. Article 3 refers only to such territories.

Mr. Speaker: The hon. Member will kindly see article 3 (a): "form a new State....by uniting any territory to a part of any State."

Now, I have understood the point raised by the hon. Member Sub-clause (a) of article 3 refers to the formation of a new State by addition of territory also. Sub-clauses (b) and (c) say that any portion of the State can be diminished and reduced or increased. We refer this matter to the Joint Committee. Here, every point of law cannot be meticulously decided upon now. Ultimately the House has to decide it if it is such a glaring feature on which we should come to an immediate conclusion that it is not right. Under those circumstances, I took the view that article 3 could relate to such cases where a portion may be taken away from a State or territory. The territory is within the jurisdiction of the Central Government or the State Government. There is no property in the vacuum. Part I of the Constitution says about the Union its territory. The Union territory shall consist of the territories of the States and other acquired territories and also Part D territories. Part D means territories like Bombay. These will be in addition to Part D territories and we can put it under Part D.

Shri S. S. More: No, Sir.

Mr. Speaker: The hon. Member says: 'No'. I say 'Yes'. Therefore, we have referred the matter to the Joint Committee and it is for it to report. The House may agree with that or may not; there is no impediment.

So far as the other point is concerned, there are certain provisions in the S.R. Bill, dependent on this Bill and there are some provisions exclusively and they do not correlate to that. Could we have withheld this merely because there is one provision here? Let us see how that provision has to be affected. Rule 85 is here. But the first Bill is not affected. The first Bill need not stand over, even if the second Bill is dependent on the first. There may be a case where the second Bill is entirely dependent upon the previous one. Here, various articles of the Constitution are touched upon. Therefore, you cannot say that there is a single principle running through all this. If there are certain common elements and common clauses between the two, they need not be affected. Let us see the legality of those clauses, and whether the one is dependent upon the other. Particular clauses may be there. I am not able to come to the conclusion unless it is so clear. I am not prepared to withhold it or prevent its being pushed through.

Shri Kamath (Hoshangabad): I shall move some of my amendments.

Mr. Speaker: I will put the motion before the House.

Shri R. D. Misra (Bulandshahr Distt.): There are some clauses which are inter-dependent.

Mr. Speaker: Rule 85 does not apply. Whatever happens, it may be settled in the Joint Committee whether it should be followed or not. If the whole Bill is dependent on the previous Bill, Rule 85 will apply. Otherwise, I cannot withhold this Bill.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House namely, Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas, Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri Algu Rai Shastri, Shri Dev Kanta Borooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri G. S. Altekar, Shri G .B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T. Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisoorya, and Shrimati Tarkeshwari Sinha and 17 members from Rajya Sabha;
>
> that in order to constitute a sitting of the Joint Committe the quorum shall be one-third of the total number of members of the Joint Committee;
>
> that the Committee shall make a report to this House by the 14th May, 1956;
>
> that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and
>
> that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri Kamath: I have given notice of five amendments. I will not press two of them; I do not move two of them. The first was that the consideration might be postponed but I am not moving that. I do not also propose to move

[Shri Kamath]

my amendment No. 2 in list 2. I am moving the others.

I beg to move:

(i) That in the fourth part of the motion—

omit ."with such variations and modifications as the Speaker may make"

(ii) That in the fourth part of the motion—

for "the speaker may make" *substiute* " the House may make "

(iii) That in the fourth part of the motion—

after "the speaker may make" *insert*—"subect to the approval of the House".

While commending them to the acceptance of the House I would like to remind the House again that this is a Bill seeking to amend the Constitution. As such in my humble view, it is invested with far greater importance and significance than pieces of ordinary legislation. Therefore, I feel that the House alone should be empowered to make any rules or amendments to the existing rules so far as the functioning of the Joint Committee is concerned. I have no doubt that my hon. colleagues here will be in agreement with me that the powers which the House possesses at present as regards this very important measure—regulating the business of the Joint Committee—shall not be surrendered to anybody, not even to the Speaker. I would also humbly suggest that recent trends and developments here have been rather disquieting and disconcerting. Therefore, I am definitely opposed to arming the Speaker or the Chair with further discretionary powers, considering the manner in which discretionary and residuary powers have been used in this House in the recent past. I do not want to use the word "misused" because you might take objection to that. I only want to say that the way in which the residuary powers and discretionary powers have been used in connection with recent legislation during the last one week only confirms me in my view that it is unwise, it is dangerous to invest the Speaker or the Chair with further discretionary powers, which are liable to be misused, if not actually misused.

I, therefore, suggest and earnestly appeal to the House that any powers, any modification that may be made in the Rules relating to the procedure of Committees, those modifications must be approved by the House. I appeal to the House to see that either this suggestion is accepted or the House itself must make those modifications. The result of my amendments is the same. If any one of them is accepted I will be satisfied. If either 3, 4 or 5 is accepted, it will mean that the House will be entirely competent to make any rule with regard to the procedure regulating the business of the Joint Committee.

In the end I would only reiterate, that considering the importance of this Bill and the important work which the Committee is going to do with regard to this particular matter, any changes in the Rules of Procedure relating to these committees must be the sole business of the House and the House alone. If the Speaker himself proposes to make some rules, I suggest that those modifications and changes—just as today we had some discussion on the Rules—shall be brought before the House for approval. This is necessary if in the first instance itself the House has not made them. The best course would be to omit the last portion of the fourth part of the motion. Then it will read:

> "that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply."

It will be more simple. If that is not accepted, then I would suggest that either the House frames the rules or whatever changes are made, they should be brought back to the House for approval. I repeat, Sir, that I am definitely opposed to arming you,—I do not mean you personally—the Speaker or the Chair with discretionary or residuary powers which are liable to be misused.

Mr. Speaker: Amendments moved:

(i) That in the fourth part of the motion—

omit "with such variations and modifications as the Speaker may make"

(ii) That in the fourth part of the motion.

for "the Speaker may make" *substitute* "the House may make"

(iii) That in the fourth part of the motion—

after "the Speaker may make" *insert*—"subject to the approval of the House".

Shri Vallatharas (Pudukkottai): I beg to move:

That in the motion—

after "and 17 members from Rajya Sabha" *add*:

> "that the House may give instructions to the Joint Committee to make particular and additional provisions to the Bill regarding—
>
> (1) naming existing 'Madras State' as 'Tamilnad';
>
> (2) to hand over the taluks of Peermede and Devikulam, and the Pulyara Hills pakuthy of Shenkotta taluk to the existing Madras State;
>
> (3) the prevention of persons who had acted as permanent District Judges to practice in the District Courts;
>
> (4) reducing the pay of the High Court Judges by another thousand rupees from the amount specified in the Bill;
>
> (5) imparting of education in mother tongue in the Secondary stage of education also;
>
> (6) the law making power of the President regarding Union territories to be subjected to the approval of the Parliament; and
>
> (7) appointing a Boundary Commission to decide the border disputes in the Madras State, Andhra State, Mysore State and Travancore-Cochin State."

Sir, I shall be very brief. So far as the last part is concerned, relating to the the Boundary Commission, the hon. Minister was kind enough to state in advance that the Constitution provides for the appointment of a Boundary Commission, and that can be done under it. In this connection I would stress the necessity, in view of the feelings that are running high in some quarter in respect of the borders between these four States, of appointing a Commission early, so that there will be the way paved for an easy settlement of the disputes and also that peaceful relations may prevail between the States concerned.

Regarding part (1) of my amendment, about naming existing 'Madras State' as 'Tamilnad', the name Madras grew out of necessity in those early British days—about 1801 or so—when the British wanted to establish Provinces to suit their own political needs. Madras was then chosen by reason of its strategic position.

Mr. Speaker: Order, order. The hon. Member may kindly resume his seat. I have gone through his amendment. He wants to move an amendment saying that instructions may be given to the members of the Joint Committee to make provisions regarding naming existing 'Madras State' as 'Tamilnad', to hand over the taluks of Peermede and Devikulam etc. All these things arise out of one or other of the clauses of the Bill. No instructions are issued, when there are particular clauses in the Bill itself, as to whether the name of a particular place ought to be this or that. Under those circumstances, by way of amendments, he can suggest to the Select Committee that those amendments must be carried out. If they are not carried out he can come to the whole House. Instructions are given only when there are no specific provisions in the Bill in which case some other connected matters may also be taken into account.

Shri Vallatharas: I may be very much interested in my mother tongue in the secondary stage of education also. That is not canvassed by the Bill.

Mr. Speaker: The hon. Member can send a note to the Joint Committee asking them to carry out the amendments he wants.

Shri Vallatharas: In view of the importance of this matter of an all India nature, the Government of India itself have committed to this principle quite recently....

Mr. Speaker: I am not going into the merits. The point is that separate instructions are given only in cases where anciliary matters have to be taken up. But so far as the clauses in the Bill are concerned, amendments can be moved. Amendments can be sent to the Joint Committee and, after the Bill is returned by the Joint Committee, if those amendments are not accepted, the hon. Member can move them on the floor of this House. With respect to such matters instructions are not given. It is open to any hon. Member to write to the Joint Committee. We do not take any decision here whether a name ought to be this or that. These are all details which have to be considered by the Joint Committee and later on by the House as a whole.

Shri C. R. Narasimhan (Krishnagiri): This matter of changing the names of States comes under article 3 of the Con-

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stitution, which I think is not germane to the present Bill.

Mr. Speaker: The other Bill is there and this question can be taken up when that comes up. Therefore, the hon. Member can take up these questions with the Joint Committee.

Shri Vallatharas: I submit to your ruling, Sir.

Mr. Speaker: He is not pressing his amendment. He may speak now.

Shri Vallatharas: Sir, even as early as 500 A.D., the portion which is now the residuary Madras State, was shown in the maps in Indian history as Tamilakam.

An Hon. Member: What is Akam?

Shri Vallatharas: It is said: "*Akathin azhaku mukathil therium* ."*Akam* is a central place. So, the territory which had an ancient name of Tamilakam or Tamilnad—both meaning the same—can be given that name now. That name can be restored to that place. Madras was named because it happened to be a central place for 3 or 4 areas including Andhra, Karnataka etc. Now, once each has got its own territory, I should like to voice forth the feeling of the people in the residuary Madras State that instead of the name of Madras, it may be named Tamilnad.

About Peermede and Devikulam, I had submitted *in extenso* the agruments for this demand. My concern is not about winning the territory to Madras State. There are several millions of people in those areas and the treatment given to them by the present Travancore-Cochin State in the recent years is not at all proper and just. Even 1½ years before we had very serious disturbances in which the Tamilian community in the Madras State felt much aggrieved. I appeal to the hon. Home Minister to see how the interests of the Tamilian population in these taluks can be safeguarded. If some safeguard is suggested and if those people are not subjected to harassment on communal basis that happened 1½ years before in the Devikulam labour dispute, the Tamil-people will be served. Otherwise the Tamil-people cannot watch the injustice committed upon the people in these taluks. As a matter of fact, I would earnestly appeal to the Home Minister to provide some safeguards for the people in these Taluks, especially Peermede and Devikulam. Kerala is not going to lose anything if these two are taken away. That is why we are demanding the handing over of these two territories including Shenkotta to us. The S.R.C. Report says that Shenkotta is geographically an enclave in Tinneveli District. Half of that taluk is now conceded to the Madras State and half is allowed to Kerala. I do not know why the Government have been actuated to make such a division. I had put in a question recently to know whether the Madras State and the Kerala Government had agreed to divide this taluk among themselves and that therefore the Central Government was inclined to send a Commission to survey that area. But the answer was not definite. An exact reply as to whether the Madras and the Kerala Government agreed to divide it is not given. I would like to have a clarification on that point. Anyway, without any recrimination or any vindictive spirit the people have to feel that they are free to live in a certain place without any fear or apprehension of any aggression from any other section of the people. It is only on that basis that Tamil Nad lays its claim on these territories and this claim must deserve the proper consideration at the hands of the Government.

I then come to the judges. So far as the permanent judges of the High Courts who have retired are concerned, they are now sought to be prevented from practising in any court except in the Supreme Court. I would like to submit that the permanent district judges should never be allowed to practise in the districts, especially in the very districts of which they were the judges. I am a lawyer of 20 years' standing. I have seen how these retired district judges are influencing the atmosphere of the judiciary in the districts and I think this principle may also be considered. They can go and practise in the High Courts or in the Supreme Court but not in the district courts.

The reduction of the pay of High Court Judges has been mentioned in respect of certain States. It is perhaps another way of saying that there must be a ceiling on the maximum of the remuneration that an officer is entitled to get in this Government. If the general view is that as far as possible, the pay may be reduced gradually on a slab system, say from Rs. 5,000 to Rs. 4,000. from Rs. 4,000 to Rs. 3,000 and from Rs. 3,000 to Rs. 2,000, I commend this idea. Up to Rs. 2,000, we need not hesitate. I commend the idea of reducing further the pay of the High Court judges. A simple problem, however, is that unless a higher pay or an incentive is given to persons who, as lawyers getting large incomes, they would not be attracted to this job. But I would like to state that those people are anti-national. Having practised as lawyers for 15 or 20 years and having earned several lakhs of rupees, if they do not want to spend a part of their lives in contributing to the welfare of this nation, certainly their interests are not to be cared for. So, I would submit that those people who have got a vast practice and earn great amounts as remuneration must also think that they must serve this nation in a certain manner. In the interests of the nation they must also change their views.

I now refer to the imparting of education in one's mother-tongue in the secondary stage. This is a very important aspect so far as I am concerned. It is a pity that our Education Ministry is a sleeping beauty. It wields no influence among other Ministries. It is neither active nor living. It does not seem to be living at all. Any adjective I can use in respect of it. Right from the middle of the 19th century up to this day, there had been more than 10 to 15 committees or commissions which had been set up and which had submitted their reports and said that there is necessity to see that the mother-tongue must be brought in as the medium of education in the secondary stage. But this Ministry has not done anything. In the present situation, when the Home Ministry and the Government have been kind enough to see that a specific provision is introduced in the Constitution that in respect of the minorities, the mother-tongue must be the medium of education, the Ministry of Education must have taken special care to further this aim. The Secondary Education Commission, of which Dr. Lakshmanaswami Mudaliar was the Chairman, has submitted its report. In fact, the report was made available to the Government in 1953. The recommendations made in that report should have been implemented at this stage. Now, we are in 1956. More than two years have passed. I would like to put a question to the Ministry. What have they done to implement it? They should have implemented at least the vital part of the report which is considered to be of great importance in the interests of national welfare.

[MR. DEPUTY-SPEAKER *in the Chair*]

I should like to invite the attention of the House to certain relevant portions of that report. If the relevant provisions are not given effect to by the Government now and immediately—I am subject to correction—certainly there will be a great reaction in the near future, and all the aims that our socialist pattern of society has got in mind will have to come to naught. At pages 73 and 232 of that report—the Secondary Education Commission's report—you will find the following recommendations:

> "(1) The mother-tongue or the regional language should generally be the medium of instruction throughout the secondary school stage, subject to the provision that for linguistic minorities special facilities should be made available on the lines suggested by the Central Advisory Board."
>
> "(2) During the middle stage every child should be taught at least two languages. English and Hindi should be introduced at the end of the junior basic stage, subject to the principle that no two languages should be introduced in the same year."
>
> "(3) At the higher and higher secondary stages, at least two languages should be studied, one of which being the mother-tongue or the regional language."

The matter, as I have studied it, is of such a great importance that I would like to dwell upon it at some length during the limited period at my disposal. The report goes on to say that the mother-tongue was completely neglected as a medium of instruction. Nothing was done to train teachers for the secondary schools and the courses of study became too academic and unrelated to life mainly because there was not provision for vocational or technical courses. One further defect that had now taken concrete shape was that the matriculation examination began to dominate not only secondary education but even the education imparted in primary schools. Thus, the Commission goes on to make characteristic remarks about the failure on the part of the Government to consider the reorganisation and the stabilisation of the secondary education system in relation to primary education as well as university education. I do not want to dilate over other matters. The *raison d'etre* of the Secondary Education Commission was this. The impact of secon-

[Shri Vallatharas]

dary education is on the life of the country as a whole, both in the field of culture and technical efficiency, and the Central Government cannot divest itself of the responsibility to improve the standards and to relate it intelligently to the larger problems of national life. The aim of the secondary education is to train the youth of the country to be good citizens.

Of course, we are entering a new era. Consequent upon our gaining Independence and having established ourselves as a national unit we are now looming large as the most potential power in Asia, and also as the most influential power in world politics. When we have attained that position, the nation expects that no member of the nation should ever hereafter be rendered to sit in a helpless position. Of course having studied only for official jobs, and not for anything else, in a foreign language, it is difficult to get the initiative and the tendency to express in a domestic manner and also efficiently in a foreign language. It is not necessary for me to emphasise the desirability of learning through the mother-tongue up to the end of the secondary stage, that is, the high school stage itself. In the Madras State, in some places, I see that up to the fifth or even the sixth form, the examination papers are set in Tamil and in many schools, up to the middle classes, that is, up to the middle basic stage, the papers are set in Tamil. No other language is taught except the mother-tongue. So, the regional language in the Madras State is the mother-tongue itself. Of course, there may be some minorities in whose case the mother-tongue may not be Tamil and so the regional language may be different from their mother-tongue. But I am speaking generally in the sense that education hereafter should be imparted in one's mother-tongue. English should be displaced, I agree, but English should exist in this country for particular purposes and for a particular scholarly study. Scholars may appear and take to the study of English and if they have got an inclination to study it, they can do so and thus be helpful to translate the other literatures in the world for the benefit of this nation. Hindi can be substituted in the place of English as a compulsory language. I do not mind whether it is made compulsory, or if it should be made the official language or the national language and the language that unites the communications between the various sections of people in this nation. At the same time, up to a particular standard, the mother-tongue must be made the medium of education. A number of committees have submitted their reports on this matter and I do not want to refer to them. Even in 1948, the Central Advisory Board of Education considered the Sargent Report and as a result of their recommendation, the Government appointed this Commission in 1951. I would like to submit that in respect of Hindi, great emphasis is laid in the Constitution itself. I appreciate that; but I find that there is no scheme for the co-ordination of Hindi and the various regional languages, namely, the mother-tongue of the respective territories. I would submit in right earnest that taking advantage of clause 20 in the Constitution (Ninth Amendment) Bill, a genuine effort must be made on the part of the Government to see that the use of the mother-tongue is extended up to the secondary stage. Instead of limiting the scope of the use of the mother-tongue in respect of minorities up to the primary stage, I would submit that in the light of the recommendations made during the last one century and ever, the Government must be able to codify all that provide for the use of the mother-tongue as the medium of education up to the end of the secondary stage.

Lastly, I would urge the need for the appointment of a Primary Education Commission. We had a Secondary Education Commission; we had a University Education Commission presided over by Dr. Radhakrishnan. Now it is incumbent on our part to see that immediately a Primary Education Commission is appointed, so that just as the Secondary Education Commission was directed to see how university education and primary education could be co-ordinated with secondary education, so also this Primary Education Commission should go into the matter of seeing how from the primary stage up to the university stage, Hindi and the mother-tongue can be correlated in such a manner that one is dependent on the other. There should be a total change of the educational structure itself. So, with that view, I would submit that a Primary Education Commission should also be appointed.

Mr. Deputy-Speaker: Mr. Ramaswamy.

Shri Keshaviengar (Bangalore North): On a point of information, Sir. Some of us have given notice of amendments to the S. R. Bill. May we know why they have not been circulated?

Mr. Deputy-Speaker: I have called Mr. Ramaswamy.

Shri S. V. Ramaswamy (Salem): I have only two points to make. I wish I was able to urge them when the hon. Home Minister was here. Luckily, at least the hon. Minister in the Ministry of Home Affairs is here.

Part III of the S.R. Bill deals with the setting up of Zonal Councils. After all the disputes in respect of the boundaries of the States etc., are settled, what will stand out most prominently will be the Zonal Councils. In my view, these Zonal Councils are going to be the only good thing after all the damage that has been done by the S.R.C. Report. There seems to be confusion of thought as to whether these Councils come under article 263 of the Constitution. I am afraid that the Zonal Councils sought to be set up under the States Reorganisation Bill are clearly different from the Councils contemplated under article 263.

Pandit Thakur Das Bhargava (Gurgaon): The hon. Member is referring to Zonal Councils; there is no mention of Zonal Councils in this Bill.

Shri S. V. Ramaswamy: I am submitting that a new clause may be introduced in this Bill. With your permission, Sir, I will read out article 263:

> "If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—
>
> (a) inquiring into and advising upon disputes which may have arisen between States;
>
> (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
>
> (c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action of policy and action with respect to that subject,
>
> it shall be lawful for the President by order to establish such a Council...." etc.

My humble submission is that the councils set up under this article are like the Tungabhadra Board the Zonal Councils contemplated in the S. R. Bill are different. Therefore, I submit that a new clause article may be introduced after article 51 in Part IV of the Constitution. The hon. Minister might ask, "It is already provided in the statute which is going to be passed; is it not enough?" My humble submission is that it is not enough. You will see that under article 51 of the Constitution, the State shall endeavour to promote international peace and security; maintain just and honourable relations between nations; and so on and so forth. I would like to add a new article after article 51 which would provide that the State shall endeavour to form Zonal or other Councils to foster a sense of interdependence among the neighbouring States. What is the difference between the provision that is made in the S. R. Bill and the provision I want to make in the Constitution? No doubt under the States Reorganisation Act, the Councils will be set up. But in order to give additional importance to them, because of the part they are expected to play in the economic and other spheres of the country, I do desire that these Councils should be set up by virtue of the Directive Principles in the Constitution itself, so that it may be given the status of a Constitutional provision and not merely the status of an Act of Parliament. It is with that view that I am urging that the Home Minister may be pleased to consider adding one more article for the purpose I have mentioned.

3 P.M.

The other point is with regard to clause 18 of the present Bill. Clause 18 says:

> "After article 290 of the constitution, the following article shall be inserted namely:—
>
> "290 A. A sum of forty-six Lakhs and fifty thousands rupees shall be charged on, and paid out, of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Board."

I want this to be amended to the effect that a sum of Rs. 31,50,000 be paid instead of Rs. 46,50,000. According to the reorganisation of States, five taluks of Travancore State are going to be transferred to Madras State. In this area 201 temples are located and the provision that is made in the Bill includes the amount required for the

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maintenance of these 201 temples, some of them of great value and celebrity, especially the temples at Cape Comorin and Sucheendram. The gist of it is briefly this. In 1811, the late Maharaja of Travancore took over all the lands of these temples and paid a consolidated sum for the maintenance of these temples. Subsequently the Devaswom Board was also constituted and the Travancore Government is paying Rs. 51 lakhs to the Devaswom Board for the maintenance of the temples in the Travancore State. Out of this, 6 lakhs of rupees have been taken solely for the maintenance of the famous Padhmanabhaswamy Temple at Trivandrum. Of this balance, what would be rightly due to the temples coming in this particular area is about Rs. 20 lakhs. But, actually only Rs. 15 lakhs is being paid for the maintenance of these temples as at present. Arbitrarily, it appears to me, according to the notes supplied on the clauses in the other Bill, only Rs. 4½ lakhs are being allotted for the maintenance of these 201 temples. The clause is in conformity with the provision there except the provision for just Rs. 4½ lakhs for the maintenance of these 201 temples. My submission is, it would be just to give these temples what exactly is due legitimately, namely, Rs. 20 lakhs. Even though that is not possible, I submit that whatever is being actually paid, namely Rs. 15 lakhs and not Rs. 4½ lakhs should be provided for maintenance under article 290A. I therefore submit that the matter may kindly be gone into to see that justice is done to these famous temples of that particular area and a proper sum is allotted to these temples and not a poor pittance of Rs. 4½ lakhs. It would be very just and proper to give them Rs. 15 lakhs as they are being given now. These are the only two points that I wanted to raise.

Shri Gidwani (Thana): I want that the Bill should be amended and the Union territory of Bombay should be merged with the State of Maharashtra.

The discussion that has been going on for the last two or three days has shown that there is difference of opinion on this issue. But, I was glad to learn from the hon. Home Minister that as regards other matters, more or less agreement has been reached. The question of Bombay, is remaining unsolved, it is baffling and he expects that some solution will be arrived at. I want to remove one misunderstanding which has been created. It is not a quarrel between Gujaratis and Maharashtrians. In Bombay there are many other communities who are living there. I will only give a few names of persons belonging to different communities who also support the demand that Bombay should be merged with Maharashtra.

You are aware, Sir, that the ex-Mayor of the Bombay Corporation Shri Pupala and his brother Shri Parasuram Pupala were Congress members of the Corporation. They are neither Maharashtrians nor Gujaratis. They are Telugus settled in Bombay and their big settlement in Bombay is called Kamatipura. They are all workers, most of them labourers. They have a big colony there. Shri Parasuram Pupala was also detained during this agitation. Then, Sir, Shri S. K. Patil said the other day that there are 5 lakhs of Muslims there who are opposed to Bombay being merged with Maharashtra. That is not so. The ex-leaders of the opposition in the Bombay corporation was Mr. Mohiuddin Harris. He is a Muslim belonging to my constituency. He belongs to Bassein and I know him. He along with many other Muslims who are in the socialist party, and many in the labour movement, are in favour of Bombay being joined with Maharashtra. Then, there are Parsis. You may have known Shri Barucha, who is a member of the Bombay Legislative Assembly as well as a member of the Bombay Corporation. I know another Parsi doctor who actively participated in the movement. They are in favour of Bombay being merged with Maharashtra. There are Christians. We know Dr. John Mathai, who was once a Member of our Cabinet. He has also publicly expressed his view in favour of the merger of Bombay with Maharashtra. Of course, he was in favour of a bi-lingual state. There are Marwaris. Raja Bahadur Govindlal Shivlal—he was once a member of the Council of State, he is a Congressman—presided over the Samyukta Maharashtra conference and he has been openly supporting the demand of the Maharashtrians.

Shri Bogawat (Ahmednagar South): I am a Marwari; I support.

Shri Gidwani: I am talking of Bombay Marwaris. There are many other marwaris. There are Punjabis. I may mention Shri Bohuja who was a member of the Bombay Corporation. He is a Punjabi displaced person. He also resigned on this issue along with other members who were in favour of Bombay being joined with Maharashtra.

There are Biharis. Shri Bhagirath Jha is a member of the Bombay Assembly. He is neither a Maharashtrian nor a Gujarati. He is in favour of Bombay being joined in Maharashtra. I may also say this, though I have not taken his permission. Shri V. L. Mehta, who is the President of the All-India Khadi Board, who was a Minister in Bombay, is also in favour of this merger.

Shri Feroze Gandhi (Pratapgarh Distt. —West-*cum*-Rae Bareli Distt.—East): I think he has said so publicly.

Shri Gidwani: Yes. I have given the names of Telugus, Muslims, Christians, Parsis, Marwaris, Punjabis and Biharis.

An Hon. Member: Sindhis.

Shri Gidwani: Of course, myself. A friend of mine who is in the Council of States said that on this matter I do not represent the Sindhis. I do not claim that I represent all Sindhis. As you are aware, Sir, the biggest camp of the Sindhis in Bombay State is Ulhasnagar. There are nearly one lakh of people.

Shri Kamath: Only there is no Ulhas there.

Shri Gidwani: All the Sindhis there, without any party affiliations, have openly supported the inclusion of Bombay in Maharashtra. I do not know what following I can claim among Sindhis in Bombay. I had remained their representative on the Sind Provincial Congreess Committee for nearly 25 years. Even recently when I went to Agra, in connection with a by-election the Sindhi voters there largely supported the candidate whom I wanted.

You can see from all these figures that it is not a question between Gujaratis and Maharashtrians. There are a large number of other people who are in favour of Bombay joining Maharashtra. All of them feel that this question should be settled. I wanted to bring to your notice another fact. You have seen in this House that all the Maharashtrian Members from Bombay State, Hyderabad, Marathwada, Vidarbha are in favour of this. There are four Members from the Bombay City in this Parliament. Out of them, three are Maharashtrians, Shri S. K. Patil, Shri Kajrolkar and Shri V. B. Gandhi. The fourth is Shrimati Jayashri Raiji. Amongst them, Shri V. B. Gandhi and Shri Kajrolkar are in favour of Bombay's merger in Maharashtra. Only Shri S. K. Patil is against.

Shri Bogawat: He is not against; he is for a bi-lingual state.

Shri Gidwani: I am coming to the views of Shri S. K. Patil. He told me that if any arrangement could be arrived at and a solution could be found on that basis, he was not opposed to it. So you will see that this is not a demand of a few people.

I shall also bring to notice of this House another fact. I have been associated with this movement even before the Bill came up. People say that this is the agitation of power politicians. I have seen very old men, not politicians and agitators, and talked to them. Take Dr. Karve. He is today 99 years old. He is not to become a Minister. So also Dr. Paranjpye; Dr. Jaykar. These people have no political ambitions.

Shri Bogawat: Acharya Vinoba Bhave.

Shri Gidwani: All these people are in favour of merger. So, this question has to be judged from that angle. We have to view that with great sympathy. Three and a half crores of people have made it their issue. I do not say life and death issue, there is no question of life and death here. The question of life and death is a different problem. But it is a live issue with them. They consider it very necessary not only from the emotional point of view, but from the economic point of view. They feel that without Bombay there can be no progress of Maharashtra. Without economic aid, no State can prosper. You, Sir, are aware that some time back it was said that Maharashtra by itself will be a deficit State unless Bombay's income is added on to its income. So, from the political point of view, from the economic point of view, and from the cultural point of view, it is a unanimous demand that is being made by the Maharashtrians. Excepting for two or three individuals, it is a unanimous demand of the Maharashtrians, which has got a fairly good support from the other communities also, as is evidenced by the opinions of persons whose names I have cited just a little while ago.

I would suggest that we should all tackle this issue right now, and decide it finally. It is no good postponing the thing or keeping it hanging on.

I would like to say a few words now by way of appeal to my Gujarati friends. Shriman Narayan had quoted Gandhiji regarding this matter. I came

[Shri Gidwani]

in contact with Gandhiji in December 1915, and from that day, up to that unfortunate day, I used to have some contacts with him. Even on that unfortunate day, I had talks with him. So, I know how he felt on many matters. As you are aware, he went to Mr. Jinnah eleven times to come to a settlement. Once, he toured my province. I was in an absolute majority in my Provincial Congress Committee. Another friend of mine had become the president. I told Gandhiji that I had a majority in the Committee. But he said, surrender. I said, all right. He said that in the interests of the people, and in the interests of good work, I should surrender, and I did so.

In the same manner, I would appeal to my Gujarati friends. Let us not quote Gandhiji, because he is not alive. There is Vinobha Bhave, whom Gandhiji had selected as his first disciple when he started individual satyagraha movement. It is a matter of history. We can listen to him not because of his *bhoodan* movement today, but because when Gandhiji started individual satyagraha movement, throughout the country, he had selected Vinobhaji as his first disciple and the first satyagrahi. We were all surprised to find that. Some of us who had been working in the political field for the last forty or fifty years had known that he was working with Gandhiji, but we had not known that he was such an important person in Gandhiji's eyes. What does Vinobhaji say? He has declared publicly that Bombay belongs to Maharashtra. I would appeal to my Gujarati friends to come forward and concede Bombay to Maharashtra. After all, they have a vast area, namely Kutch, Saurashtra and Gujarat. They are rich, they are moneyed people, and they should come forward to help those who are poor, who have been backward, and who are economically not so prosperous. If those people prosper, then my Gujarati friends should be happy over it. I would appeal to them to show their generosity, and to give up the feeling that something is being taken away from them.

If they talk in this fashion, then I have a greater grievance. I have been a victim twice of the wrong decisions arrived at by our leaders. The first was when my province of Sind was separated from Bombay. May I tell my friends that I was made a victim not because Sind was not properly administered but because Mr. Jinnah and certain other members of the Central legislative Assembly had come to an agreement? Sind was treated as a hostage province. The second occasion was when the country was partitioned. I opposed it very much. And yet that was done. When we people had agreed to such things in the past, what is there if Bombay goes to Maharashtra? What is going to happen if Bombay goes to Maharashtra? After all, the Maharashtrians are not going to "खा जाओ" Gujaratis. The Maharashtrians will be there and the Gujaratis also will be there. The other communities also will be there.

It is expected of the Gujaratis who claim to follow Gandhiji and who have prospered by the *swadeshi* and the national movement that they will be generous and they will come forward to say, all right, we shall agree that Bombay should go to Maharashtra, so that there may be a settlement, and the whole country may march forward unitedly in the context of things that are facing us today.

With these words, I support the proposal of joining Bombay with Maharashtra, and I would suggest that the Bill should be amended accordingly.

Shri Sadhan Gupta (Calcutta—South-East): This Bill has the same merits and the same defects, the same virtues and the same vices, as the Bill which has just preceded it. It is a Bill which is ancillary and incidental to the preceding Bill, namely the States Reorganisation Bill, and so, like that Bill, it reflects a major triumph of the struggle of the great peoples of our country, it reflects the triumph of their struggle for the establishment—partial triumph, I should say, but even then a triumph—of the linguistic principle as a basis of the reorganisation of States. It also reflects the triumph of the protracted struggle which has been waged to rid the Constitution of the blot of the existence of Rajpramukhs, that pampering to feudal elements in our Constitution. But as the struggle is waged between the people and the reactionaries, the Bill also embodies certain exceptions to the democratic principle, the rational principle of linguistic reorganisation, and that is so, because it is necessary for some quarters either to pander to vested interests, as in the case of Bombay city, or to indulge in unprincipled political opportunism, as in the case of the readjustment of the boundaries between West Bengal and Bihar, and other cases.

I must tell you first of all that I am not in the least ashamed of advocating linguistic reorganisation of States. Why should I be ashamed ? It is not I who need to be ashamed. Our national movement has always upheld this principle. The Congress had repeatedly promised linguistic reorganisation from 1920 onwards. Need I be ashamed of sticking to that principle ? It is rather the opponents of the principle, who should be ashamed. They should be ashamed of betraying their past promises, and being false to the democratic ideals they preached. What is the explanation for this unseemly betrayal? The explanation given is that it was necessary at that time to break some kind of intellectual thraldom that had been created due to English education. But that contingency no longer exists. We are now free, and so, we need not stick to it. That is what is said. I ask you : Is it really so ? When we advocated linguistic redistribution, from the Congress platform, was this the ground on which we advocated it ? I would refer you to the Nehru report. What does it say ? It says :

> "If a province has to educate itself and do its daily work in the medium of its own language, it must necessarily be a linguistic area. If it happens to be a polyglot area....."

Mark the words 'polyglot area'.

> ".....difficulties will continually arise, and the media of instruction and work will be two or even more languages. Hence it becomes desirable for provinces to be regrouped on a linguistic basis. Language, as a rule, corresponds with a special variety of culture, of traditions and literature. In a lingustic area, all these factors will help in the general progress of the province."

There is no question of intellectual thraldom ; there is no question of its being necessary due to the influence of English education. The criteria are clear, that a State must work through the medium of its own language, the administration must be carried on through the medium of its own language and instruction must be given through the medium of its own language. Languages represent distinct cultures and as such, linguistic reorganisation will help in the general progress of the States.

Is a single word of this Report out of date today ? Is it not necessary even today to foster Democratic development in States ? Is it not necessary that the people should be enabled to participate in the administration of the States through the media of their own languages ? They cannot be asked to participate in the administration of the States through the medium of an alien language, a language which they do not understand. If you put up a bilingual, trilingual or multilingual State, how is this possible ? Either English will continue to dominate or one language will be put up as the dominating language, to the great dissatisfaction of the other language groups. Who should then be ashamed—we, who uphold the traditions of our national movement or the august gentlemen who, without any shame, without any scruples of conscience, have been false to their noble ideals, noble ideals they themselves had worshipped and repeatedly promised to uphold ? In spite of their attempts, the people stand firm. Unable to withstand the popular demand for linguistic reorganisation, the champions of multilingualism, whether it is Shri Jawaharlal Nehru or Pandit G. B. Pant or Shri S. K. Patil—have adopted a novel method of linguistic reorganisation. They have started now sermonising people on nationalism.

During the consideration of the previous motion, there was some question raised as to whether Andhra-Telangana should rather be called Andradesh or Andra Pradesh. Then Pandit G. B. Pant made a remark that it could be anything but *pradesh*. I do not grudge his sallies of wit. I am prepared to admit that.

Shri B. S. Murthy (Eluru): It is not a question of wit. It is a question of fact. Both the Andhra Assembly and the Hyderabad Assembly have unanimously resolved that the new Andhra may be called Andhra Pradesh.

Shri Sadhan Gupta: I am not saying that.

Mr. Deputy-Speaker : Even if that be the case, the hon. Member has a right to express his views.

Shri Sadhan Gupta: I am not against calling it Andhra Pradesh. What I am objecting to is the remark of Pandit G. B. Pant that it may be Andhra Pradesh or Andhradesh but not *pradesh*. I grant that this remark was made only in a lighthearted vein. I am willing to give him credit for that. But what about the remarks made by Shri S. K. Patil ? What

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about the speeches that are made by Shri Jawaharlal Nehru all over the country? Shri S. K. Patil referred to claims of territories by different linguistic groups in a derisive way. He said: 'People claim, this territory belongs to us; that territory belongs to us. But nothing belongs to India'.

Shri Jawaharlal Nehru, of course, in a more dignified vein, addressed a meeting of young men in Kharagpur in Bengal the other day and reminded us of the need for emotional integration which, he explained, was a sense of oneness of India. By an irony, this implied slander on the Bengalis—it was a slander in the context of the anti-merger movement that was being carried on; he implied that the anti-merger movement was something anti-national, something against emotional integration—was uttered in the district of Midnapore, where the battle of freedom was gloriously waged, the battle of freedom, I would remind you, not of the district of Midnapore, not even of the province of Bengal, but freedom for our whole beloved country—if we may be allowed to call our country such. Why this slander? Remember, Sir, this slander is carried on not only against Bengalis, but also against every other people in India who desire linguistic reorganisation—Andhras Keralas, Maharashtrians, Tamils, Oriyas and all others. Is there the slightest truth in these outbursts? Can it be that the mere desire to have a territory where administration and education will be through the medium of their own language is so traitorous as to set our nationalism at nought?

In the United States of America, there are different States. They have different Constitutions. A citizen is a citizen of a State as well as of the whole Union. There is double citizenship. Who ever has said in America or elsewhere in the world that the Aemrican is antinational? In the USSR, every republic has the right to keep an army; it has the right to have foreign relations. You know that Ukraine any Bylo-Russia have foreign relations and they have foreign ministers. Every republic has the right to secede from the Soviet Union.

The other day I was listening to a broadcast from Moscow. There, a Latvian said that he was a guest in Moscow and he was very satisfied with the treatment he received. The Latvian considers himself a guest in Moscow. Now, who will still deny this solidarity of the Soviet peoples? Has not the last war demonstrated their solidarity? Why go so far? Let us look at ourselves. While we fought the British, we were a diversity of races in India, Bengalis, Biharis, Oriyas, Andhras, Tamils and countless others, great and small. Undoubtedly, we passionately loved our own respective lands. We loved Bengal, we loved Bihar, we loved Orissa and so on. We, Bengalis, were proud of our Rabindranath and Deshbandhu and other great men. Similarly, others were proud of their poets, their own patriots and their own great men. But when we fought the British, did it ever occur to us that we were not fighting for the freedom of the country as a whole? We were fighting for the freedom of Bengal, Bihar Orissa and so on. I can assure you that we were fighting for Bengal, Bihar or Orissa, but that did not mean that we were not fighting for the freedom of our own country? Do not these gentlemen, who sermonise us on nationalism, realise how the song *Vande Matram* which was written in honour of the mother of *sapt koti*, came to be sung by the very Bengalis in honour of the mother of all of us? *Trinsha Koti?* Did we forget that or did we think of the mother of *Trinsha koti?* Don't they realise that the hundreds who perished under the bullets of their present friends of the British Commonwealth at Jallianwalla Bagh, gave their lives for India, though they undoubtedly loved their own land, Punjab? So, there is no conflict between our desire for linguistic reorganisation and our love for our great country. Indeed, the love of our own particular lands exalts itself into and enriches the love of our common country. If anyone succeeds in disrupting our nationalism, it is these gentlemen who insist on opposing the love of our own land to the love of our own lands. But, I assure you they will not succeed. We will continue to love our own land and yet our patriotism is so great, the patritotism of the people of India, people in every part of India and of every description, is too great to be disrupted by gentlemen in the grip of a mania for multilingualism.

Hardly a day passes when Pandit Nehru and others do not sing hymns to multi-lingualism. This, according to them is a cure for all ills, the surest guarantee of the growth of Indian patriotism. What is our experience of multi-lingual States? Let us look at the States Reorganisation Commission's Report. If you look at paragraph 159 of the Report, what does it say? It says:

> "The question whether multilingual states will strengthen the unity of India is not easy to determine. In States having more than one developed language, there has been no marked tendency in the past to develop a sense of loyalty to the state. There was never any noticeable Madrasi sentiment when the State was a composite one. On the other hand such loyalties as did develop within the area were based on languages. The same holds true about Bombay and Madhya Pradesh. Marathi and Gujarati feeling grew up side by side, practically to the exclusion of any particular loyalty to the province or State of Bombay. In Madhya Pradesh, the Maha Vidarbha sentiment based on the Marathi language has been vocal for many decades."

That is multilingualism and yet it is supposed to be the panacea for all our anti-national sentiments; it is supposed to be the cure for all fissiparous tendencies.

On the basis of this disastrous ideology, my State of West Bengal is being sought to be forced into a merger with Bihar. How patriotic the inspiration behind this wonderful plan is would be clear from the conflict between the champions of merger in either State. What is the conflict about? It is, where the revenues would be spent; whether the revenues of each State will be kept in that State or would be spent in the other State also; whether one would swamp the other by quantity or whether the other would be able to outwit the State with more numerous population by virtue of quality. That is the kind of thing that is being propagated to convince the Biharis and Bengalis about the justification for merger.

The men who advocate merger in West Bengal want the right to secede and their Bihari counterparts want to hold them by force.

What an insipred display of national solidarity! Of course, Dr. S. N. Sinha said that he had supported merger on another ground, that is to say, to provide a mental home for us, communists, in Calcutta. After listening to his speech, there can be no doubt as to where the mental home is located. But, as we do not require it, we are opposed to the merger. Of course, for the common people, they have other arguments, whether they are Bengalees or Biharis. Bengalis are promised easier rehabilitation of refugees and the Biharis are promised more avenues of employment in Calcutta. What is the truth?

Mr. Dputy-Speaker: The hon. Member must finish soon.

Shri Sadhan Gupta: Sir, I am the only spokesman of my group.

Mr. Deputy-Speaker: The hon. Member has been continuously speaking for about 20 minutes.

Shri Sadhan Gupta: Sir, in other cases we have spoken for a longer time.

Mr. Deputy-Speaker: I agree; but we have placed this restriction voluntarily so that a larger number of Members may speak. However, I will allow another 5 minutes.

Shri Sadhan Gupta: Normally, we have half an hour.

What is the truth? Are the Bengalis and Biharis going to benefit from the merger—the common Biharis and Bengalis. The rehabilitation of Bengalis in Bihar is a wonderful argument. Don't we know how many peasants from Bihar unable to make a living from land take up the gruesome life of rickshaw pullers or coolies or jute mill workers in Calcutta. Why, Sir, I have seen Bihari, peasants engaged in back-breaking occupations of rickhaw pullers or coolies as far away as Assam and in that State you promise rehabilitation to hundreds of thousands of Bengalis who have come away from East Bengal! And what employment will the Biharis get in Calcutta? As if there are not enough Biharis already in Calcutta desperately seeking for a living. Indeed Sir, merger could not be and was never intended to benefit the common people of Bengal or Bihar. From the point of view of the West Bengal champions, it is only to enable big businessmen of Calcutta like Birla and others to spread their tentacles into Bihar and by keeping Bengalis and Biharis in perpetual conflict, to enable disruption to be created among the jute workers and among the working class of Calcutta and its neighbourhood as a whole. But, we are not such inbeciles that we do not understand these manoeuvres. That is why West Bengal has opposed this nefarious scheme with all its might.

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Complaint has been made of the way satyagraha is being carried on. It is supposed to be undemocratic. If such is your faith in democracy why not yield to the verdict of democracy? Since the announcement of the merger proposal, Congress has lost every municipal election. Why not accept it and give up the proposal? I am prepared to make an even more sporting offer. Our party has often been accused of being regimented. I can say that our party has never enjoined upon us anything that is against our conscience. But, supposing, according to you, we are an undemocratic regimented lot, why not set an example to us in democracy and give the freedom of vote to your own party men in the Bengal Assembly and why not proceed on their verdict? To what absurd length these mergerists will go is seen by the repeated manipulations they perform. First, it started with merger. Then, we find a variation, in the Statement of Objects and Reasons of this Bill,—amalgamation and lastly we hear of a union —a union with a provision for instant judicial separation. There will not be divorce. But, these two States will have separate Legislatures, separate Cabinets, everything separate. What a glorious example of nationalism?

We are quite tired of this merger business. Unless an attempt is made to mislead them by vicious propaganda carried on by reactionaries—we, the common people, both in Bihar and Bengal will agree to one thing and one thing alone,—the linguistic redistribution, and a readjustment of the boundaries in such a manner that all Bengalees and Biharis living in contiguous areas would be included in Bengal or Bihar. We do not want an inch of territory which is not ours on the linguistic principle, but we want every bit of territory which either linguistically or by contiguity belongs to Bengal.

In this connection, I must record the strongest resentment of the people of my State at the refusal to incorporate the 500 sq. miles of territory which is Bengali linguistically, simply because the Tatas think that it would be inconvenient to do so. Is this your concept of nationalism that if the territory comes to Bengal, Tatas in Bihar will not get enough water?

Wonderful arguments were advanced against the inclusion of the city of Bombay in Maharashtra. Shri Patil ridiculed the idea of geographical contiguity and in his ususual, cheap, demagogic way said that the whole of India was Bombay's hinterland. Yet Sir, the fact remains that the land around Bombay for hundreds of miles is nothing but Maharashtra, where then should Bombay naturally belong? You want the merger of different States on the ground that they should be sizable units. Why make an exception in the case of Bombay? What is the use of figures of population? What is the use of referendum? Is there any sense in taking a referendum for Bombay remaining separate. Would you allow every city that wants to have a separate State in India? Would you allow every town that wants to have a separate State in India? Where else could Bombay go unless it remains separate? How do these super-nationalists justify the unreasonable demand of a section of capitalists in Bombay that Bombay should not merge in Maharashtra? Why do they not preach to them that this demand of theirs is fissiparous, that they have no right to say that in Maharashtra they will not be safe? What right have they to resist Bombay going to Maharashtra?

The same thing may be said with regard to Punjab. The linguistic principle has been violated here. The provisions that have been made for regional committees etc., presuppose areas of conflict and I would very much desire that that were avoided.

I had intended to speak about the phenomenon of Union territories. Some of these territories, Himachal Pradesh and Delhi, had their own democratic set-up. They are being deprived of it. Manipur, by an irony of fate, had a democratic set-up before the achievement of Independence, before the merger of Manipur, and when it merged with free India, it was deprived of that democratic set-up. Now, we plan out to deprive it permanently. The people of Tripura and Manipur have stood consistently for a democratic set-up. The people of Manipur have won it and yet they are being deprived of their democratic set-up. You do not have the courtesy to call the places "State"; you call a territory, evidently inferior in status. I know the examples of places like Canberra in Australia and Washington D.C. in U.S.A. are given. I am not holding any brief for deprivation of democratic rights of those particular places, but they are small places. I think Canberra has a population of several thousands and Washington D.C. has not a very great population. But what are we doing here? A great city like Bombay, with millions of people is being deprived of democratic rights. The people there are being disfranchised and the right to carry on their own administration is being taken away. In all, about one crore of Indians are being deprived of their democratic right of carrying on their own administration. Instead we have regulations made by the President in just the manner of the British imperialists, as they administered Baluchistan with Indian laws, promulgating laws, making laws without the people their having any say about it. I know it will be said that Advisers are there to administer. What is the use of these Advisers? In Tripura, in the last general elections, both the Congress candidates forfeited their security deposits and yet the Adviser appointed was a Congressman. What a democratic thing this institution of Advisers is!

I have to say a few words about the provision regarding linguistic minorities. No statutory provision has been made for linguistic minorities by the new article 350A. What is proposed is that the State shall endeavour to grant the linguistic minorities facilities for primary education. Regarding the State endeavours, the S.R.C. has itself reported how in one particular State the number of schools was reduced from, I think, several hundreds to one. Similarly, there are instances after instances how in Assam and Bihar, Bengali schools have been tampered with. I do not say that it is the vice of the Biharis or the Assamese or the virtue of the Bengalis not to tamper with the linguistic minorities. I would say that with the kind of administration that exists in every State, no lingustic minority is safe in the hands of the administration that exists in the different States. In Bengal, non-Bengalis are not safe in the hands of Dr. B. C. Roy; in Bihar, non-Biharis are not safe in the hands of Shri Sinha; in Assam, non-Assamese are not safe in the hands of Shri Medhi. Therefore I want that whatever safeguards there are must be made statutory and they must be made enforceable in a court of law. The safeguards should not be perfunctory, but should be elaborate.

Again, the safeguards should not only be with respect to primary education, but every linguistic minority should be given the right to obtain education up to the secondary stage in its own language. You could insist that if they want higher education, they have it from their State. But without secondary education, a man is not worth earning his livelihood, and a man who has no education worth the name is not worth earning his livelihood. At least up to that stage, education must be guaranteed.

Lastly, I would strongly advocate the abolition of the Second Chambers. I was extremely pained to find that the Second Chambers have been kept. I would strongly recommend that the Constitution should be amended so as to abolish the Second Chambers altogether. They are absolutely unnecessary. They were established by the British to protect vested interests. They were continued by the Congress, and it is high time that they should be abolished.

Shri Keshavaiengar: Mr. Deputy-Speaker, I thank you for giving me an opportunity to say a few words on this Bill. Few from Mysore had a chance to speak on the States Reorganisation Bill. Some of us had moved amendments for several provisions of that Bill. I am making a request to you to be good enough to direct them to be referred to the Joint Committee so that they may also be fully considered by the Committee.

The Bill before us is very welcome, and the most welcome feature I find is the abolition of the several categories of States, A, B, and C. A large section of the Members of this House were persistently agitating for the abolition of the invidious distinctions among States, and now it is a matter of very great satisfaction that those several categories and distinctions are abolished and there are only two kinds—States and Union Territories. I am sure that as time goes on, even this small number of States under the Union Territories category will get itself reduced by several small parts joined to the neighbouring bigger States. In that way, it is a very welcome feature.

Another thing which I very much appreciate is the abolition of the institution of Rajpramukhs. It was an anachronism. I am very happy that that is done away with now. This takes me at once to the category of Rajpramukhs in the Civil Service. Some of the remnant members of the Civil Service have been retained under contracts to serve us. I hope that by efflux of time that will also get reduced. I am not questioning their services at all, but my feeling is that the members of the Service must change their outlook. Our leader has been pleased to make a mention in one of his addresses that it is necessary for them to

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change their outlook alogether and feel that they are servants of the people and not their masters.

That apart, the most important matter I would like to refer to in this Bill is clause 22. I am at a loss to understand why the provision for a reduction of the salary of the Judges of the High Courts of Mysore, Rajasthan and Kerala has been made in this Bill. From the explanation to clause 22, I find that it has been based on the level of income at the bar and the salaries payable to the judicial services. I do not understand how these two things could be the legitimate reason for making an invidious distinction between the Judges adorning the benches of the High Courts. It is really unfortunate. I do not know the measure and means by which they were able to get the level of income of the members of the bar in Mysore State. From the list of members of the Bar attached to that High Court, it is quite clear that many eminent lawyers all over India have been members of that High Court. Secondly, the level of income depends upon the capacity of the client to pay. If I appear in a case for a client like Shri Morarka, a millionaire, I think I would charge him several thousands of rupees but not so for clients like Shri Vaishya from Ahmedabad for the very same kind of business. I do not think that it is the necessary criterion. It is not the proper reason for bringing out this change. That has introduced a sort of an inferiority complex in the minds of the persons who adorn the benches of the High Court. They are making a provision for transfer of Judges from one High Court to another. It is a very salutary feature. Even to put that provision into practice, it is necessary that there must be uniform scales of pay for all the Judges of the High Courts in India. I am very anxious that this distinction should be removed; it is very objectionable and I take very serious exception to it. I do not mind the quantum. Shri Vallatharas made a mention about the reduction in the present salary. I am not bothered about the quantum. I am anxious about uniformity. Otherwise, surely it will bring about an undesirable result.

An Hon. Member: With inter-State transfers.

Shri Keshavaiengar: It very seriously affects this proposal. Some of the Judges are very eminent persons and they are adorning the benches of the High Court of Mysore. Many of them have adorned the benches of other High Courts as well. This will present a serious difficulty when we consider the matter of inter-State transfers of Judges of the High Courts.

Shri Gurupadaswamy made some observations about the Mysore legislature. I emphatically refute the observations made by him. There is nothing wrong in what they have done. In the absence of any expressed or demonstrated desire by the other States of Tamilnad, Kerala or Andhra, they have passed a unanimous resolution that whenever possible they would form the Dakshina Pradesh. There is nothing wrong in that and it need not have given room for him to make the observation he made. Kannadigas from four different parts of the country, namely, Bombay, Madras, Hyderabad and Coorg, are being brought together into one State. The Mysore legislature is only anxious that they must consolidate the present State which is now more than double in its size and extent. Then only they would think of the next step regarding the enlargement of the other States as well.

There is one point about the number of seats in the legislatures. It has been thoroughly discussed in the Mysore State Assembly. They have passed a unanimous resolution that the ratio and proportion so far as the Members of Parliament and members of the local legislative assembly are concerned must be enhanced to something more than what is provided for in this Bill. I do not know what policy or principle is involved in fixing this ratio. From a comparison of the ratios that prevail in several States, I find that it varies from 1:5 to 1:9. The latter ratio is the one prevailing in Mysore and I am anxious that this ratio must continue so far as Mysore is concerned. Mysore is the first State in India to have the representative system of Government. The previous Mysore Assembly had 300 members. Now, they are having only 182. I endorse the unanimous resolution of the Mysore Legislature that the ratio may be retained at 1 : 9.

So far as the interim assembly is concerned, 24 members from the local assembly of Coorg are there. According to this Bill, they should become members of the interim assembly. I do not agree with the opinion of the Mysore legislature that all of them ought not to be given the right to represent Coorg in the interim assembly. They have desired that only a smaller number—three or four—may be selected from them. That is not correct. It is only for a temporary period, of a few months that the assembly will function. A uniform policy must be adopted with regard to Ajmer and some other States, including Coorg. It is necessary that all the members of the Coorg assembly must be permitted to function in the assembly of the Mysore State.

I do not agree with the observations made by the previous speaker about the abolition of the second chambers. If the Council of States is necessary for the Central Parliament, a legislative council ought to be necessary for the States. The same arguments that hold good for us, hold good for the States also. I do not understand why we should completely remove the second chambers in all the States. I thank the Government for having righted the wrongs that were sought to be done previously to the greatest satisfaction of all concerned. With these words, I support the Bill wholeheartedly.

Shri C. K. Nair (Outer Delhi): I thank you, Sir, for this opportunity given to me to express my views on this Constitution (Amendment) Bill. I feel today to be a red-letter day for the State of Delhi. It is because two Bills were simultaneously introduced in this House and one of them has already been referred to the Joint Committee. The other is being proposed to be referred to the Joint Committee again. One has already eliminated the State of Delhi and the other—The Constitution (Ninth Amendment) Bill—is going to eliminate the last vestige of the democratic set-up in the State of Delhi. I see the shadow of the great leaders of Delhi because Delhi has been very unfairly treated in both of these Bills.

4 P.M.

There were great men who worked and suffered like anyone-else in India; for example, the late Hakim Ajmal Khan, Dr. Ansari, Shri Asaf Ali, Mr. Deshbandhu and others. They were all great leaders of first rank in the struggle for India's freedom. There was also Swami Shradhanand. I now see their shadows over Delhi. What will their souls be feeling today? They were struggling not only for India's freedom, but at the same time they were also agitating for a democratic set-up in the city of Delhi. Now that is also being snatched away by this Ninth Amendment Bill.

In the previous Bill Delhi has been grouped among the centrally administered territories. Part C States have been abolished. I am not very sorry for it, because state-hood in itself is not everything. After all, even cities like Paris are administered by a unitary system of administration. They can enjoy democratic rights. Sometimes Delhi is being compared with Washington and Canberra. I think that is quite unfair. They were colonial countries with official seats in Washington and Canberra. That is not the case in Delhi. Delhi is one of the most ancient cities, culturally, politically and commercially. Commercially also it is one of the leading cities in India. That city should have been treated so shabbily by our great democratic leaders, is something which is really very sad to think of.

Shri Shree Narayan Das (Darbhanga Central): If there is no democracy in Delhi, then how have you come here?

Shri C. K. Nair: I am telling you about the people of Delhi. I will tell you how they are being treated.

Mr. Deputy-Speaker: The hon. Member might tell me.

Shri C. K. Nair: So far as Delhi is concerned, it is one of the part C States. There are two sections in the Constitution which deal with the administrative set up of Part C States. They are articles 239 and 240. In this Bill these two articles are going to be amended in a way which is very reactionary in spirit and in thought. In the original Constitution the provision is:

> "Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—
>
> (a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State; or
>
> (b) a Council of Advisers or Ministers."

This is being sought to be amended in this way:

> "Every Union territory shall be administeed by the President...."

Here, I must tell you another thing. There is a proposed draft for the States Reorganisation Bill. In that also it is said:

> "Save as otherwise provided by Parliament by law, every Union

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> territory shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him :

But in the amendment here, it has been changed to :

> "Every Union territory shall be administered by the President...."

The saving clause has been omitted. It is not only Delhi that is being deprived of a democratic set-up, but even the Parliament has been deprived of a voice in the administration of Delhi, because the saving clause which said: "Save as otherwise provided by Parliament by law", has been taken away and now it is straightaway said : "Every Union territory shall be administered by the President......"

Then again, what is the instrument that is being sought to control or to administer the area ? It is said : "the President may by regulation made...."—the Parliament has nothing to do with it —"....under article 240 Delhi is going to be ruled by a council of advisers to the Chief Commissioner or other authority with such functions as may be specified in the regulation." That means Delhi is going to be ruled only by the President. Sir, we are reminded of the horrible days of the Chief Commissioner's rule in Delhi. It is going to be reverted to a bureaucratic rule.

Shri Bhagwat Jha Azad (Punea *cum* Santal Parganas): The Members of Parliament are there.

Shri C. K. Nair: We are not going to be there unless the territory is represented in the administrative set-up. The Members of Parliament cannot directly take part in the administration of any State or territory.

The point is, how is Delhi being deprived of its political, democratic set-up ? I wonder, because every State is assured of democratic rights in the Constitution. Part C States were also given a place in the Constitution. Now that is being completely eliminated. Parliament will have nothing to do. For the last 4 years I have been in this Parliament and I have seen that Delhi is not at all seriously taken up by the Members of Parliament, except a few.

Shri Nambiar (Mayuram): With regard to the question of jaundice we did take very serious notice of Delhi.

Shri C. K. Nair: That is right. That is the way Delhi is being administered. Parliament finds hardly any time to administer Delhi. That is the reason why it is being completely given to the President's rule. This is really unfair and I think it is time that every Member of Parliament should think about it.

Delhi with a glorious past history should not be treated so shabbily. Of course, it may be said that after all it is under the democratic administration of India. No doubt, we are all proud of it. But, why the rights, which have already been bestowed under the Constitution, should be reduced ? I also wonder why our administration, which is very democratic under our great leader, is getting more and more stiff towards the people of Delhi ? Delhi with a population of 20 lakhs has got every right to be ruled by their own representatives.

Our hon. Home Minister himself said: "You are in the good company of the great, beautiful and maginificent city of Bombay". I have got my sympathy for Bombay also. But that is going to be short-lived. After all, centrally administered areas means Bombay, Delhi, Himachal Pradesh, Manipur, Tripura, Andamans, Nicobars, Laccadives and Maladive. I can understand, Andamans, Nicobars and Laccadives are small colonies in the midst of the ocean and they must be administered by a rigid bureaucratic administration. But what about the other three or four areas? I am sure in the long run Manipur and Tripura are going to be, perhaps, integrated with bigger States, just as many other Part C States like Coorg, Ajmer etc., have been. I also envisage a time when Himachal Pradesh may also be integrated into Greater Punjab. In the case of Bombay it has already been committed.

Shri Tek Chand (Ambala-Simla): Also Delhi in Greater Punjab.

Shri C. K. Nair: Then also I will be happy, because my point is that this area should not be deprived of a real democratic rule.

About Bombay we all know that the fear is going to be short-lived. Though it is now included in the centrally administered territories, at the most for 5 years—I do not think why even five years should be allowed—should be allowed for its complete integration into Maharashtra. I am one of those who support the claim of the Maharashtrians to Bombay. I was wondering why some people have been saying, "How can

Bombay belong to Maharashtra? Bombay belongs to the whole of India." But I ask you, which city does not belong to the whole of India. Every city of India belongs to the whole of India.

Pandit K. C. Sharma (Meerut Distt.—South): Particularly Delhi.

Shri C. K. Nair: More than Bombay, culturally speaking, Banaras is there. Hardwar is there. We have got colonies of Madrasis, Punjabis, Bengalis, Gujaratis and others there. Those people are living there. They are living comfortably and harmoniously. So, why not Bombay be included in Maharashtra? Bombay is already famous for its cosmopolitanism. Why should this fear be created that Bombay, if given to Maharashtra, will become a provincial city? No. It cannot be. After all, it developed not as a provincial city. Even if it had developed as a provincial city it rose above that and became a cosmopolitan city. Now, in these days of internationalism, it is going to grow more and more into an international city. Bombay is one of the biggest and magnificent cities of the world and not only of India. I do not see any reason why if Banaras could be counted as part of Uttar Pradesh Bombay could not be counted as part of Maharashtra. By removing Bombay from Maharashtra, it is really not going to become a national city or an international city. It is Maharashtra, whatever we may say and whatever the objective may be. So, what I want to emphasise is this. Bombay also is going to be either part of Maharashtra or part of a bilingual State, whatever it might be.

About Delhi, I am afraid Delhi is certainly doomed to have a bureaucratic system of administration under this new amendment that is being sought to be effected in the Constitution. That is what I want you to realise. We should take it up very seriously and see that Delhi is given—and must be given—the full right of democracy.

An Hon. Member: Quite so.

Mr. Deputy-Speaker: Interruptions should not be so frequent, for, the readers of the future might read in the debate that it was only a conversation between a few persons!

Shri C. K. Nair: Therefore, my plea to the Government and also to this Parliament is that Delhi should have a democratic set-up. Even Parliament is going to be deprived of its right over Delhi. This is unfair, because it is said in this Bill that it is completely being relegated to the administration of the President. The President himself cannot rule. After all, there must be somebody. The only way to avoid this is to have a popular representative as the Chief Commissioner or the Lieutenant-Governor or the Governor of Delhi. He must be a public man. Advisory Body is being mentioned. I do not know why an Advisory Body should be there. The whole thing can be easily solved by retaining the existing articles 239 and 240 of the Constitution. They need not be amended at all. In those articles, there is a chance for Delhi to fight for, to claim and try for a democratic, administrative set-up if not today at least in the future. By the proposed amendment, we are going to lose it for all time. A constitutional amendment is not a small thing. It is not an ordinary law that is being sought to be passed, as in the States Reorganisation Bill. This is a constitutional amendment. We are all here alive, and we have fought for the freedom of India. Even in our midst, such a retrograde step is going to be effected. If this is so, who is going to ask, in the future for an administrative set-up of Delhi? Therefore, I would plead that the original articles—articles 239 and 240—may be allowed to remain.

Of course one change has been noted here. For the existing heading,—"Administration of States in Part C of the First Schedule"—"Administration of Union territories" is going to be substituted. So far, it is correct. It is right. But so far as the other things are concerned, there is nothing. Therefore, a provision which will contain a possibility of some sort of legislature, some sort of democratic administration, some sort of advisory-*cum*-legislative rights by the elected representatives of the people may be inserted. It is already there so far as the present set-up is concerned. Even our late Sardar Vallabhbhai Patel was not very much happy when the status of a Part C State was conferred on Delhi. But anyway, even in the present Constitution we find a democratic set-up for Delhi, but today, this constitutional amendment which takes away that set-up is really very reactionary and therefore, I would appeal to Parliament and to the Government that this effort to take away the existing set-up should be stopped.

[Shri C. K. Nair]

As far a Manipur is concerned, it is a small border State. The people there are very much fond of their freedom which they were enjoying till recently. So, they must also be given the same status as a democratically administered area.

Mr. Deputy-Speaker: I have to make a suggestion to the House. We have had a debate on the States Reorganisation Bill for the last three days. The Bill under discussion is also a similar one, seeking to amend the Constitution for reorganising the States. Ordinarily, there should not be a restriction on time, but I find that there is a very large number of Members wishing to speak. What I have gathered from the speeches thus far is that the Members cover mostly the same ground as was covered during the debate on the States Reorganisation Bill. Of course, certain Members may wish to say something on the constitutional points, and normally, there should not be a restriction on the speeches. But then, in the other Bill, we had to put a limitation on ourselves and we said that, in the end, only 10 minutes could be allowed for each Member. So, we might just now put that same limit for this Bill also. Of course, there might be exceptions where this time-limit could be exceeded. The same points should not be repeated. This way, other Members who did not have a chance to speak on the last Bill may get a chance to speak on this Bill. So, I presume I have the permission of the House to put the time-limit of ten minutes for each Member who wishes to speak.

Shri N. M. Lingam (Coimbatore): It was not my desire, when I wanted to participate in this debate on the Bill, to resurrect memories of yesterday's controversy that was raised on the floor of this House. But even so, I cannot but refer to one aspect of the matter and that is in regard to the controversy over Bombay. I am not entering into the merits of the case. There are problems before the country which are best solved by what I would call the indirect method. Assuming that the claim of Maharashtra over Bombay is strong, is genuine, is justified, what the House has to consider is whether the direct approach is the best one to satisfy the ambitions of the Maharashtrians and thereby bring about harmony and peace in the country.

I shall give one or two instances. We have a legitimate claim over Azad Kashmir. We have several other rights which are not within our reach. But in these matters it is not the direct assault that helps us. We have the recent instance of the Nekowal incident, where great injustice was done and where 12 men of our troops were massacred. But on that score, we did not go and attack Pakistan. So, there are many rights which we cannot achieve by frontal assaults. So, I would request the House to see that the controversy over Bombay does not resolve or lead to a straight dispute.

Member after Member has referred to the impartiality, to the stature, to the nobility and the greatness of our leadership that is at the helm of affairs in our country today. Unless the people impute motives, unless they say that they are partisans, unless they say that they do not have the interests of the country at heart, unless they say that they are not patriots, I do not see why this complex problem should not be left to the hands of our leaders. The country looks to the House not for the intensification of the debates and controversies going on outside, but for guidance, light, strength and solace. Therefore, a great responsibility devolves on everyone of us. So, let us send the message from this House that the interests of country and the interests of every section are uppermost in the minds of the Members of this House and that the people need not be apprehensive of anything happening irrevocably leading to condemnation or recrimination of any section of the community.

I pass on to the Bill under discussion. I have taken some time already, and I will refer only to two clauses. I would first refer to the strength of the House of the People that is proposed in the Bill. The strength is proposed to be increased from 499 to 520. This question of the strength of the House was debated at length at the time of the passing of the Delimitation Act in 1952 and there was a strong body of opinion in the House that because of the size of the country, the membership of the House should also be increased proportionately to the increase in population. But, after a great deal of deliberation and after the Select Committee had gone into this question, it was decided by amending the constitution in 1952 that the number on no account should exceed 500. I, personally, am not in favour of increasing the strength of the House. The example of the United Kingdom is quoted and it is argued that if in a country of 40 million people the strength is 600, for our country with a population of more than

300 million, the strength should be much more. It is forgotten that we have our State Assemblies and the Upper Houses. The strength of the legislatures in India really exceeds 4,000 and there is no point in making an already unwieldy House still more unwieldy. I do not really understand the reasons which prompted the Government to increase the strength of the House. Perhaps, this is because of the reorganisation of the States that is going to take place. I would even suggest, if it is not impracticable, that before the next General Elections, the number of seats for States other than the Union territories may be reduced to an extent equal to the number of seats provided for the Union territories, so that the total strength may not in any case exceed 500.

There is another point also. In the Bill it is said:

> "Subject to the provisions of article 331, the House of the People shall consist of—
>
> (a) not more than five hundred members chosen by direct election from territorial constituencies in the States and
>
> (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide."

We see that no direct election is provided for Union territories. That is a disquieting feature, because this House enjoys its unique position on account of its being an elected body, elected by adult suffrage. I am strongly of the view that this pre-eminent position of the House should be maintained and it should not be contaminated by indirect election, nomination or any method that detracts from the glory and prestige of this House. I strongly urge, therefore, that the representatives from Union territories also should be chosen by direct election.

I will now take up clause 20 which provides for the insertion of a new article 350A, namely,

> "350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups;"

Salutary, as this seems to be, I would urge that the other grievances of the minorities also should be looked into by the President or by the authority empowered to act in his behalf. Some hon. Members suggested that the Governor was the least suitable person to look after the interests of the minorities, because under our Constitution, the Governor could not act in a way that would even remotely offend the Cabinet over which he presides. Under the circumstances, the best solution seems to be to appoint a Commissioner for minority affairs. But even then, he should be empowered to look not only into the question of the mother-tongue, but also the other disabilities that the minorities might complain of, so that not only their legitimate grievances will be looked into, but also their unfounded and imaginary complaints may be exposed.

I now come to clause 21 of this Bill. It refers to regional committees. Regional committees for Andhra-Telangana and Punjab are proposed to be created under this provision. This is a new provision under the Constitution. But even so, the powers of the committees are not defined. Probably that matter is left for legislation separately by the States or by Parliament. I would urge that these committees should be envisaged only for a definite period, after which the working of the committees should be reviewed by Parliament and suitable changes should be made. I do not want these regional committees to be a permanent feature....

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri N. M. Lingam: ....of our Constitution, because we all strive for the social and economic integration of our country. Therefore, I would urge that this should not be made a permanent provision in the Constitution.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ — मध्य): उपाध्यक्ष महोदय, में आपकी बडी मशकूर हुं जो आपने मुझे पांच मिनट का समय बोलने के लिये दिया है। मैंने पांच मिनट के लिये आपसे प्रार्थना की थी जो कि आपने कृपा करके मुझे दे दिये।

जहां तक राज्य पुनर्गठन विधेयक का उत्तर प्रदेश के सम्बन्ध में प्रभाव पड़ने का सवाल है तो हमारा प्रान्त तो जैसे पहले था वैसा ही अब भी रहेगा और वह न तो घटा है और न बढ़ा ही है परन्तु फिर भी जब हमारे देश के बड़े बड़े

[श्रीमती शिवराजवती नेहरु]

नेताओं का यह मत है कि अपने देश की एकता और संगठन को सुदृढ़ करने के लिये आज छोटे छोटे राज्यों के बजाय बड़े बड़े राज्यों का निर्माण किया जाना आवश्यक है और वह भी पौलिटिकल (राजनैतिक) विचारों पर नहीं बल्कि एकोनमिक (आर्थिक)आधार पर बनाये जायें, तब उपाध्यक्ष महोदय, मे केवल इतना कहने का साहस करती हुं कि हमारा उत्तरप्रदेश का प्रान्त बहुत ही पिछड़ा हुआ और बैकवर्ड प्राविंस है और यह स्पष्ट है कि केवल कृषि से ही उसकी जो बेरोजगारी की बड़ी समस्या है, वह हल नहीं हो सकती है और बेकारी और बेरोजगारी की समस्या को सफलतापूर्वक हल करने के लिये औद्योगिक विकास किया जाना जरूरी है। औद्योगिक विकास करने के लिये हैवी इंडस्ट्रीज (भारी उद्योग धन्धे) चाहियें और इन के लिये खनिज पदार्थों की अवश्यकता है। इस सम्बन्ध में मेरा सुझाव यह है कि विन्ध्य प्रदेश जो कि हमारे प्रान्त से बिलकुल सटा हुआ हें और जहां कि खनिज पदार्थ और दूसरे मिनरल रिसोर्सेज(खनिज संसाधन)बहुत पाये जाते हैं, उनको मध्य भारत अभी बहुत समय तक अपने उपयोग में नही ला सकता है और वह यूं ही पड़े रहेंगे और बिलकुल बेकार जायेंगे और किसी के काम नहीं आयेंगे, इसलिये यदि आज विन्ध्य प्रदेश को उत्तर प्रदेश में जोड़ दिया जाय तो दोनों ही प्रान्तों का उसमें बडा लाभ होगा। और दोनों ही की इस में उन्नति होगी, दोनों ही प्रान्तों की जो जनता है उस को रोजगार प्राप्त होगा, जन समुदाय को काफी रोजगार मिल सकेगा और दोनों ही प्रान्तों की जो बैकवर्डनेस (पिछड़ापन) है वह मिट जायेगी।

उत्तर प्रदेश किसी को जबर्दस्ती अपने में मिलाना नहीं चाहता, न कभी वह इस बात का इच्छक रहा हें। वह किसी प्रान्त के खनिज पदार्थों को छीन कर खुद पाने की इच्छा भी नहीं रखता हें। प्ररन्तु ऐसा कहा जाता हें कि जो विन्ध्य प्रदेश के लोग हें वे स्वयं इस बात के इच्छक हें कि उन को उत्तर प्रदेश मे मिला दिया जाय जो वहां की असेम्बली है उस के काफी सदस्यों ने इस बात की मांग की है कि उन को उत्तर प्रदेश में मिला दिया जाय, और यदी यह बात सही है तो उत्तर प्रदेश को इस में क्या इन्कार हो सकता हें? क्योंकि यह दोनों के हित म है साथ ही वहां के लोगों के रीति रिवाज और संस्कृति भी उत्तर प्रदेश के समान हें। मै नहीं कहती कि ऐंसा हो ही जाय, यदि आज हमारे नेता न चाहते हों, यदि वे इस मत के न हों कि समस्त विन्ध्य प्रदेश को उत्तर प्रदेश में मिलाया जाये, तो वह इतना ध्यान जरूर दें कि जो विन्ध्य प्रदेश के वह तीन डिस्ट्रिक्ट्स हें जो कि बघेलखंड कहलाते हें, जहां के लोग इस बात के लिये इच्छक हें और विशेषकर यह बात चाहते हें, उन को उत्तर प्रदेश में मिलाया जाय। मैं आप के द्वारा सेलेक्ट कमेटी तक केवल यह बात पहुंचाना चाहती हूं कि जब वे इस मसले पर विचार करें तो इस प्रश्न के ऊपर भी ध्यान दें और यदि उचित समझें तो इस के उपर कुछ कार्यवाही करने का प्रयत्न करें।

Shri Bogawat: I am very fortunate to get an opportunity at least today to express my views so far as the Union territories are concerned. When we amend our Coustitution, there should be nothing unprincipled, unconstitutional, undemocratic, unnatural or unjustifiable. Seven areas are mentioned as Union territories in this Bill. Some indication is given about Tripura and Himachal Pradesh. Many Members have spoken about Bombay and Delhi. I shall say something about Bombay.

Bombay is a part of Maharashtra. It is not to be merged or included in Maharashtra. It is excluded from Maharashtra. If this is done, it would be unconstitutional because there would be disfranchisement. The right of the people to elect representatives to the Legislative Assembly would be lost. It would be against our Constitution. There is great resentment throughout Maharashtra and also in Bombay. I am very glad that you have expressed your sympathy when you spoke on the S.R. Bill, for the inclusion of Bombay in Maharashtra. Every public body, *gram panchayats,* municipalities, local boards, Corporations, Congress committees, public meetings in Maharashtra have made this demand for this inclusion, not to exclude Bombay from Maharashtra. Even the Corporation of Bombay—Shri S. K. Patil gave a challenge—has passed a resolution. The Mayor of the Corporation resigned on this question. Look at the decision of the Hyderabad Assembly. Look at the decision of the Bombay Assembly. If we take into consideration the Members who resigned and who were elected unopposed, that decision is also clear. Even if we look at the statements and speeches made in this hon. House, we see that the decision is in favour of not excluding Bombay

from Maharashtra. Except for a few Members, one or two from outside Gujarat, all have expressed that Bombay must be in Maharashtra. So the decision is clear if we respect democracy.

Apart from the satyagraha and other incidents that happened, there is this agitation going on on a large scale. Even children say :
“मुंबई सह संयुक्त महाराष्ट्र झालाच पाहिजे”
and dance. Women take part in these demonstrations. This is something like the movement of 1942. Bombay is the nerve-centre of Maharashtra. Maharashtra will have no port. Gujarat will have Kandla, Okha and other ports. This separation of Bombay from Maharashtra would be like beheading Maharashtra. Even the other day, Shri S. K. Patil said, not including Bombay in Maharashtha is beheading Maharashtra. He said something about a bi-lingual state; that is different. The hon. Home Minister knows the situation better. I hope he will carry my request to Pandit G. B. Pant and Shri Jawaharlal Nehru who are big democrats and who will not do any injustice. Nature also has helped the cause of Maharashtra. Naturally also Bombay is in Maharashtra. If Bombay is excluded, it will be unnatural. No justice will be there. Therefore, I say that some principle must be applied. Why forfeit the rights of the people ? If we recognise democracy, if we say that the people are sovereign and they have got sovereign rights, if India is a sovereign democratic Republic, I do not think that our leaders or the High Command would go to the extent of excluding Bombay from Maharashtra. I request that a decision may be taken immediately. I hope the Joint Committee would be kind enough to consider the intense feelings of the people, all the representations and expressions of the people. If we understand democracy, this is my request so far as the amendment of Union territories in Schedule I is concerned.

I must say I am a Marwari. I come from Maharashtra. Another is Shri S.R. Bhartiya also elected from Maharashtra. Another is Shri Chandak. The Gujarati people need not be afraid that there will be a national calamity. Shri Gidwani is a Sindhi. The Maharashrtians are very good people. They are patriots. They have made sacrifices in the national movement. Not only that. If you are a friend to them, they will do anything for you, even at the sacrfiice of their life. They will protect you. Something was said about Shivaji. They do not know about Shivaji, how he protected the weak, what a great man he was, how he protected the women, etc. All this is forgotten because of bitterness, hatred and ill feelings that have arisen. Otherwise, such things would not have been said.

I have to make some other suggestions also. I have to say something about the number of seats in the Legislative Assembly. Formerly, we had for every seat in Parliament seven seats. In Vidarbha, there were eight seats for one. Now, only six are allotted. I request that, if not eight, at least seven should be allotted for every seat in Parliament. This should be the ratio. Instead of 240, I would suggest that there should be 280 seats in the Maharashtra Legislative Assembly.

As regards the High Court, I would say that there should be a common High Court for Bombay and Maharashtra. There should not be separate High Courts. It will be convenient if the High Court is kept at Bombay, and there is a common High Court.

As regards the salaries of the judges, I want to make one suggestion. There is a demand in the country today for a ceiling on incomes. And since we are amending the Constitution, I would suggest that we must reduce the salaries of the judges also. The maximum salaries mentioned are Rs. 4,000 and Rs. 3,500. Instead of Rs. 4,000 there should be a maximum of only Rs. 3,000 as many hon. Members have pointed out. I would suggest, that instead of Rs. 4,000, the figure should be Rs. 3,500, instead of Rs. 3,500 it should be Rs. 3,000, and instead of Rs. 3,000 it should be Rs. 2,500 and instead of Rs. 2,500 it should be Rs. 2,000. I would suggest that an amendment may be made along these lines.

My hon. friend Shri Keshavaiengar had referred to the question of practice by the High Court judges. As regards practice by retired High Court judges, I think it will be better if we do not allow them to practise in the same High Courts where they were judges before. That would be in the interests of....

Mr. Deputy-Speaker : That is what is provided for in the Bill.

Shri Bogwat : I have nothing more to say. I would request that the few suggestions that I have made should be taken into consideration, and justice

[Shri Bogawat]

should be done to Bombay in the light of the popular demand which should be carefully considered.

Shri Raghavachari (Penukonda): I do not want to repeat any of the arguments that have already been advanced on the States Reorganisation Bill, for I feel that there is absolutely no use making any representations on that matter, particularly on subjects where they have made their own decisions. It becomes something like an “अरण्यरोदनं” or weeping in wilderness, if we do so.

I would like to confine my observations to the powers of transfer, the restrictions that are proposed to be imposed upon the selection, of the High Court Judges, the restrictions in regard to their future practice, the composition and constitution of the High Courts and so on.

At the outset, I welcome the provision for the transfer of High Court Judges. I do so deliberately, and with a feeling of satisfaction, because I feel that that is a very healthy and salutary procedure. As the matter of the composition of the High Courts is now before this House, I am perfectly within my rights to make any observations that I would like to on matters relating to the working of the high courts.

Those of us who have had something to do with the Law Courts know that at present there is not a very healthy, desirable and satisfactory kind of atmosphere or climate in the High Courts. A particular judge presides over the Bench. He has his relations, he has his friends, and he has those with whom he sympathises. Human nature being what it is, he has his own likes and dislikes. So, what happens when a High Court judge is placed on the Bench is that a particular section of the Bar welcome him, while the other sections do not like him. At least in the case of the other judicial and administrative services, experience has shown that the man should be transferred from place to place every three or four years. But here, it is a permanent evil or a permanent good. The practising lawyer cannot express his feelings freely. He goes on saying, your Lordship, your Lordship, while the judge is sitting on the Bench, but behind his back, he goes on talking all kinds of things, which are really very unpleasant. I am therefore glad that power has been taken in this Bill to transfer High Court judges.

But there is one restriction that will come in the way in this respect. For, you have provided in some other clause that as against the present provision which says that a judge of a High Court cannot practise at all, after retirement a permanent judge of the High Court only cannot practise in the same High Court where he was a permanent judge. But if you transfer them from place to place, the permanent judges can be transferred from one place to another. And according to the provision here, he cannot practise in more than one High Court. Therefore, it again acts as a sort of restriction on the sphere of selection.

In regard to the salaries of judges, you have provided for two different scales of salaries, one scale being Rs. 4,000 and Rs. 3,500 and the other being Rs. 3,000 and Rs. 2,500. That is to say, there will be two groups of judges, and each group can be transferred within a particular territory only.

Now, I come to the recruitment of judges. So far as the permanent judges are concerned, you want to consult the Chief Justice, Governor and so on. That is still provided for. But so far as the temporary vacancies are concerned, two things are being done now. At present, the number of permanent judges is fixed for each High Court. But you want to abolish it, and you are providing that the President can appoint those temporary judges. All that he has to do is to pass another order increasing the number. But instead of making it necessary for him to pass two orders, you are providing that the President shall have the power of appointing any number of temporary judges or permanent judges. At present, it is possible for the Chief Justice of a High Court to appoint an ex-judge to act as a temporary judge. But now what is sought to be done is that it is the President who will appoint the judge, and there is no provision whatsoever to the effect that he will consult the Chief Justice or the Governor or the State Government and so on.

Now, who are the persons whom the President is going to appoint? He can appoint anybody qualified to be a judge. All that is required is that the person should be qualified to be a judge. If they are advocates of a particular standing, then they are qualified. But I am afraid that under this provision, all the district judges and those other people whom Government want to favour will come in as judges. There is no consultation with the Chief Justice, or no connection with the local Bar. This is the sort of thing that is going to take place. I would suggest that the Joint Committee may go into this mater carefully.

In regard to the age of retirement, it has now been provided that the judges will retire at the age of sixty years. But you are allowing them to practise even after that. In this country, if there is one profession where the man at no stage in his life thinks that he must retire from the profession, it is the lawyer's profession. That is the only profession where he can go on practising until the last breath leaves his nostrils.

Shri Tek Chand: That is because there is no pension.

Shri Raghavachari: It is not because that there is no pension; it is because it is being permitted that it goes on. The man must provide for himself in life if he has an idea of the future. Therefore, I am very strongly in favour of the man retiring from his profession at some stage. In a democratic set-up, it is not a very satisfactory thing that Government should restrict the field of choice of people, when they want to give more opportunities of employment. I should expect that every gentleman who attains the age of sixty and retires from the post of High Court judge should have had sufficient public civic sense that he must devote himself to some other activity rather than go on working for the sake of a few rupees by way of salary and pay. I wish some such convention is created and persons are called upon to serve the country as judges or even for the matter of that, as Law Ministers. They should not go on working merely for the sake of money. Surely, you can find any number of people with integrity and honesty, who are prepared to serve in spite of all these restrictions. They can come and give all their experience, erudition and service in other walks of life. Our Government are going on constituting so many tribunals. In this tribunal, this ex-High Court judge is appointed; in that tribunal, that ex-High Court judge is appointed; in this way, there are so many judges who are being put on these tribunals, if they cannot practise in the very high courts in which they were working. You can realise the awkwardness of the whole thing. He has sat some days on the Bench, and now he will have some days at the Bar. Though there is really nothing wrong in it, the whole atmosphere is full of talk that other considerations come into play. This is very unpleasant and very unsatisfactory, and is not very helpful to the administration of justice. That is so far as transfer is concerned.

The other point I wish to urge is in respect of the Councils in the States. Now, they want to increase the strength of these Councils from one-fourth to one-third, subject, of course, to a minimum of 40. This institution of Second Chambers is an unwanted and costly thing for this country. Even in respect of this House and the other House we find simply duplication of everything. Except in regard to quarrels over the powers of this House and the other House, nothing useful is being contributed at all. For a State like ours, this is unwanted. This simply gives more places for people whom you want to favour. For those people who have been pronounced as unwanted in the elections, you want to find a berth. Therefore, you increase the number and then the expenditure. That is how it looks to me. It has no place at all.

Shri B. S. Murthy: Not always.

Shri Raghavachari: Not always; mostly.

Mr. Deputy-Speaker: Just at this moment at least.

Shri Raghavachari: Then I only wish to say one word about the location of the High Courts. Government are now taking powers to locate High Courts in a Union territory. If this is done, the State Government has absolutely no power in the matter of appointment of Judges or even of the officers and employees, because it is the Union Government's territory, it comes within the President's authority and so on. Therefore, by quietly transferring the headquarters of a High Court to a Union territory, the control of the State concerned over that High Court is completely put an end to. You may not intend to do it, but nothing prevents a man, who wants to do it, from doing it, as it is now proposed. That is the danger of it.

Lastly, I wish to say one word about the proposal that is contained in a clause providing for Regional Committees in Telangana and Punjab. 'Regional Committees' is a technical term. So far as Telangana's merger with Andhra is concerned, in their anxiety to effect the merger, they have agreed to all kinds of things. Now, the State has absolutely no voice in the formation of these Committees. To my mind, it looks as if in the powers of the States, this is one wedge driven. Of course, it is said that out of all this, something useful will come. If it is one of unity, I can well understand it. But it is only in the speeches and statements that are given

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here, but in practice this is departed from. Therefore, I am not very much in favour of such powers being vested in those Committees.

Shri Seshagiri Rao (Nandyal): Mr. Deputy-Speaker, Sir, I thank you very much for affording me this opportunity to participate in this debate.

The provisions of the Bill can be grouped into two parts, one relating to States reorganisation and the other to administrative reorganisation. Those relating to administrative reorganisation, are about the appointment of a common Governor, Public Service Commissions, Regional Committees, transfer of High Court Judges from one place to another and so on, I welcome some of the provisions. But I cannot understand why there should be a common Governor for two or more States. It is certainly a matter of economy, and any matter of economy is quite welcome to us in these days. But, will it be economy without efficiency or economy with efficiency; that is the point to be considered. The position of a Governor in each State is very high. A man of status and experience is ordinarily called upon to fill that post. But the functions are purely formal. At times of emergency, just like the Army, the Governor comes into the picture. He gives advice and takes charge of the Government. But, if there is a common Governor for two or three States and there is crisis simultaneously, what advice can the Governor offer to the States.

Further, nowadays, the Governors are taking part in social and cultural activities in many of the States. Their advice and guidance will not be so readily available if there is a common Governor for more than one State. I think it is better to have one Governor for one State.

The other point which I would like to touch upon is the Regional Councils.

An Hon. Member: Regional Committee is the correct term.

Shri Seshagiri Rao: About the Regional Committees, I am entirely in agreement with what Shri Raghavachari says, Certainly the work of these Regional Committees is to smoothen disturbances and to create a perfect understanding between certain groups in the same State. But, should it be a permanent feature? Article 371 of the Constitution is now being remodelled. If you look at the margin of clause 21 of the Bill, you will see that it is stated, 'substitution of new article for article 371'. The new articles would be clearly permanent, both for Punjab and Andhra-Telengana. Till such time as the Telengana people understand the Andhras and the Andhra people understand the Telenganas, the Regional Committee may be their safeguard. But, should it be a permanent feature? By doing this and by having Zonal Councils for two or three States, we are unifying at one place and diversifying in another place. In the hands of unscrupulous politicians the very Regional Committees might be the instrument for disturbing the smooth working of the Constitution. So it should be only for a small period, say 5 or 10 years.

The third point which I would like to submit is this. My hon. friend Shri Ramaswamy was referring to article 263. In view of the functions of the Zonal Councils, he wanted the introduction of another new clause. If you refer to article 263, you will see that exactly the same wording is there as you find in clause 21 of the States Reorganisation Bill. They have copied verbatim the entire thing. What is the idea of having article 263? Instead of having a new clause, I would say that article 263 be deleted because there is absolutely no use at all for that. Under article 263, the President has got the power to appoint a Council for three reasons, inquiring into and advising upon disputes, investigating and discussing subjects in which two or more States have a common interest and for making recommendations. These are the grounds. Here, the same wording comes except that 'social work' has been added. Instead of 'disputes', 'things arising out of States Reorganisation' has been introduced. It is only a change in wording without any difference in content. Therefore, article 263 has to be deleted in view of the Zonal Councils.

My friend, Shri Raghavachari has said that it will be a wrong thing to speak about things connected with States reorganisation. This word *"aranyarodhanam"* was used by Vyasa some 5,000 or 6,000 years ago when India was full of forests. But the hon. Home Minister fully knows that on account of the civilisation that our Scheduled Tribes have got and on account of the disafforestation which we have carried out to a great extent, even the *aranyarodhanam* is audible and will be heard now. I want to submit one such thing. I was surprised to hear the hon. Home Minister saying this morning—this is of course subject to correction—that the Andhra people do not very much mind the retention of Bellary in Mysore State.

5 P.M.

Pandit G. B. Pant: I said all sensible people.

Shri Seshagiri Rao: I would point out that if the hon. Home Minister thinks that all the elected members of the Andhra Legislature are not sensible, there is a unanimous resolution in the Andhra Legislature on this point. I should think that any speakings on the floor of the House will be *aranyrodhanam*.

Pandit G. B. Pant: They are not really opposed to it.

Shri Seshagiri Rao: The resolution is there and I leave it for the interpretation of the hon. Home Minister.

Another point which I would like to submit is this. The States Reorganisation Commission recommended the transfer of Bellary to Andhra not merely on one ground, namely, Tungabhadra Project, but on several other grounds the most important one being that Bellary depends for trade and commerce on Andhra State, Bellary has geographical contiguity and cultural affinity with Andhra, and more than anything else, the interdependence of Bellary on Andhra State is most important. Therefore, I submit that the whole thing may be reconsidered.

Shrimati Jayashri (Bombay—Suburban): I thank you for giving me this opportunity to speak a few words on this Bill. In this House many Members have spoken about Bombay. I represent Bombay in this House and I am sorry to say that till now I was never given a chance to speak about my city.

Mr. Deputy-Speaker: It was better that she knew what others had to say about her city.

Shrimati Jayashri: I am glad that in this Bill, Bombay City especially is going to be made a Union territory. Though the citizens of Bombay will be hurt, because they have been disfranchised we accept the proposal as the best solution in the present situation. We were glad when we read the S.R.C. Report that Bombay was going to be a bilingual State. That was the decision arrived at by the three Commissions and that was the best solution for the country. We all feel very sad that that solution is not accepted by some of the Members, especially the Maharashtra Members. I do not understand their grievance. In the bilingual State, they would have been in a large majority. Besides that, they would have got another State, which is a Marathi-speaking State, namely, Vidarbha. In this bilingual State, they are a majority and would have worked for their welfare. They would have no cause for grievance. On the contrary, the other communities would have been in a minority and would have cause for gievance. Still, they are talking as if some injustice is done to them. They are claiming Bombay as if it is their property. Can they treat the 56 per cent citizens of that city as an alien nation and ask for separation as the Pakistan people wanted to separate from India? They are talking in the same way as if they want to separate from the bilingual Bombay State that was created by the S.R.C. Report. May I say that Bombay belongs neither to Maharashtra nor to Gujarat nor to any other single community? It belongs to all the communities of the nation. It has been built with the efforts of all the communities. It is the nerve centre, I should say. It was a small, neglected village. When the East India Company took up their *kothi* at Surat, I am proud to say—I belong to Surat some people from Surat went there and began to build up that city. The big Parsi community from Navasari, the Tatas, Jamshedji bhai—all these philanthropic people from Navasari, built up big institutions which are still doing welfare work in the city. Is it right, then, to say that Bombay is taken away from Maharashtra? Bombay State is supposed to be the best administered State. It has implemented the First Five-Year Plan very successfully. What do we find in this Plan? It is the Maharashtra area which is benifited most from all the welfare schemes. The Gujarat people never complained, never said that they were not treated justly. I do not know what the cause of their grievance is.

When they wanted a big university, they themselves thought of Poona as their cultural seat and their capital. They wanted to make Poona the capital. They asked for a separate university. Now, they say that their culture is in the city

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of Bombay. Bombay culture is the joint culture of all the communities. In Bombay, we have got five lakhs of people from Uttar Bharat. We have got the Parsi community; we have got Muslims; we have got Christians. They all claim the city as their own. In the statistics that was taken of the students in the colleges there, it was found that 77 per cent of the students were non-Marathi-speaking. To say that this city should go to a unilingual State is doing injustice to the other communities. I would have advised my Maharashtrian friends here to have accepted the bilingual State which would have thrived, flourished and would have been the pride of our nation. We all know that the city of Bombay was in the fore-front of our freedom movement. The Maharashtrians were also in the fore-front. But, I should like to say that the other communities also gave their best. Women, I know many of us, had gone to jail. We were imprisoned while picketing liquor shops. When Mahatma Gandhi went on the Dundel salt march, so many of us from Gujerat also went. So, it is common knowledge that Bombay State was in the fore-front of this freedom movement. It cannot be claimed that only Maharashtrians were there. The whole nation came forward in this movement. We are glad that we have got our freedom. After this great fight where we were all united, it is a very sad thing that, when the time has come for us to take the benefits of our freedom, we want to separate.

With regard to other things I would like to point out that in Gujerat also we find big lawyers like our late Mavalankar Sahib, who had a very good practice in Ahmedabad. Gujeratis are a generous people. They have never shown any feeling of disregard for the Maharashtrians. They have always welcomed them. They have generously helped the Maharashtrians in their institutions and also in their big schemes. If you take the case of Poona, you will see that we have got such colleges and institutions there like the Wadia College to which the Gujeratis have donated very generously. This kind of brotherly feeling was there all these years. It is very strange that all of a sudden they should look at the other communities as if they were strangers and they do not belong to the big State.

I would again appeal to our Maharashtrian friends here to still think over this problem. If they are not satisfied with having such a big Maharashtrian State, at least they should be satisfied with having Bombay City in the Union territory where, I am sure, the Maharashtrians also will get all the benefits, they will have a majority of them in the services and other institutions and they will also get the benefit from the Union finances as other communities are going to derive. Therefore, I appeal to them to accept the Bill as it is.

पंडित सी० एन० मालवीय (रायसेन): उपाध्यक्ष महोदय, इस कॉंस्टिट्यूशन । नवें अमेंडमेंट के २३वे क्लाज में युनियन लिस्ट, स्टेट लिस्ट ग्रौर कॉंकरेंट लिस्ट को **ऐक्विजीशन ऐंड रिक्विजिशन ग्राफ प्राप्रर्टी** की हद्दी तक संशोधित किया जा रहा है । इस सम्बंध में मुझे यह निवेदन करना है कि हम सभी भारत की एकता पर जोर देते रहे हैं ग्रौर भाषावार प्रांतों के बटवारे के कारण जो कुछ डर पैदा हुआ है उस को मिटाने के लिये हमने इस में एक योजना जोनल कौंसिल की रक्खी हैं ग्रौर साथ ही साथ इस बात की भावना पर जोर दिया है कि हम ज्यादातर अलग अलग टुकडों के रूप में न सोचें बल्कि एक भारत के रूप में ही सोचें । ऐसी सूरत में यह प्रस्ताव करता हूं कि सेलेक्ट कमेटी को इस वक्त यह मौका है कि स्टेट लिस्ट, यूनियन लिस्ट ग्रौर कान्करेंट लिस्ट तीनों को अच्छी तरह से देखें ग्रौर रिवाइज करें । सिर्फ इसी बात पर नहीं बल्कि हमारी द्वितीय पंच वार्षीय योजना को ज्यादा कामयाब बनाने के लिये, विभिन्न स्टेटस को एक में बांधने के लिये, ग्रौर दूसरे सुधार के कार्य जो हैं, जिन में दिक्कत आती है, उसी तरह की दिक्कत जैसी कि लेंड़रिक्विजिशन ग्रौर ऐक्विजिशन में आती है, उन दिक्कतों को सामने रख कर, इस विधेयक पर विचार करे । इस वक्त समय नहीं है में कि विस्तारपूर्वक तमाम बातें हाउस के सामने रख सकूं इस लिये में यही कहना चाहता हूं कि सेलेक्ट कमेटी ग्रौर हमारे होम मिनिस्टर साहब खास तौर से इस चीज के ऊपर गौर करें कि ऐसे ग्रौर भी दूसरे विषय हैं जो युनियन लिस्ट ग्रौर स्टेट लिस्ट से अलग अलग हैं,उन को जहां तक हो सके कान्करेंट लिस्ट में लाने का प्रयत्न किया जाये, ग्रौर जिस भावना को ले कर हम चल रहे हैं उस में हमें उस से मदद मिलेगी ।

हालांकि में भाषावार प्रान्तों का हामी हूं ग्रौर मुझे अभी तक कोई दलील ऐसी नहीं बताई गई है जिस के कारण में यह सोचूं कि भाषावार प्रान्त के बटवारे से भारतीय जनता अलग अलग होती है या भारत के टुकड़े टुकड़े होते हैं खुद हमारा

यह स्टेट्स रिआर्गेनाईजेशन बिल अगर कौंस्टिट्युशन एन्टिमें बिल ईस बात की दलील है कि भाषावार प्रान्तों की जीत हुई मै इस सम्बन्ध में पंजाब के अकाली भाइयों को और वहा के दुसरे निवासियों को मुबारकबाद देना चाहता हूं इस लिये कि जब एस०आर०सी० की रिपोर्ट साम्नने आई सबसे ज्यादा खतरा पंजाब में नजर आता था क्यों कि यह एक बार्डर स्टेट है और हर समय यही कहा जाता था कि आखिर वहां पर क्या होगा। लेकिन बम्बई के सम्बन्ध में यह ख्याल भी नहीं था कि वहां इस प्रकार की घटनायें घट जायेंगी, मगर वहां एसी घटनायें घटीं जिन से हर भारतीय के रोंगटे खडे हो गये मैं कहना चाहता हूं कि पंजाब के भाइयों ने हिंदुस्तान के सामने एक रास्ता खोला । अच्छा होता कि उन्हों लाइन्स के ऊपर बम्बई और गुजरात का भी कुछ फैसला हुआ होता बम्बई की प्रगति और उस के विकास को तस्वीर हमारे सामने दो ही रूपों में आती है । या तो वह ब्राईलिंग्वल स्टेट बने और बम्बई उस की राजधानी हो या फिर बम्बई पर चूकि महाराष्ट्र का हक है इस लिए उस को महाराष्ट्र के साथ ही जाना चाहिये और मुझे पूरा विश्वास है कि वह महाराष्ट्र के साथ जायगी । आज मेरी समझ में यह बात हर्गिज नहीं आती कि क्यों यह बात समझी नहीं जाती कि अगर सूरत के भाइयों ने और पारसियों ने वहां पर अपना पैसा लगा कर एक छोटे से गांव आज की बम्बई बनाया है तो महाराष्ट्र और वहा के आस पास के मजदूरों का खून और पसीना वहां की सडकों और वहां की बड़ी बड़ी इमारतों में नजर आ रहा है। आज कोई वजह नहीं मालूम होती है कि यह दोनों वहां पर मिल कर क्यों नहीं रह सकते हैं। मुझे यह भी याद है कि महाराष्ट्र के भाइयों ने नान महाराष्ट्रियन्स की यह आफर दिया कि अगर तुमको महाराष्ट्रियों पर भरोसा नही हैं तो महाराष्ट्रवाले तुम को ब्लैंक चैक देने मे तैयार है । तुम क्या क्या सेफगार्ड्स चाहते हो उन सब को तुम ले लो हम यह मामला तय करने को तैयार हैं ।

यहां पर यह बात भी आई थी कि विदर्भ को शामिल कर के गुजरात और महाराष्ट्र को मिला दिया जाय । इस के लिये मैं कहता हूं कि इस को गुजराती और महाराष्ट्री भाइयों को मान लेना चाहिये । यह ठीक नहीं है कि इस में माइनारिटी और मैजारिटी का सवाल पैदा किया जाय,जब दोनों भाई हमेशा से मिल कर रह रहे हैं तो अब भी वह मिलकर क्यों नहीं रह सकते । इस लिये विदर्भ को मिला कर अगर बाईलिंग्वल स्टेट बना दी जाती है तो कोई हर्ज नहीं है । लेकिन इस को भी नहीं माना गया । अगर हम इस चीज में विश्वास करते हैं कि जनता की आवाज भी कोई चीज है तो आपको आवाजे खल्क को नक्कारे खुदा समझ कर बम्बई को महाराष्ट्र को देना ही होगा । किसी सूरत में भी आप बम्बई को गुजरात के साथ नहीं मिला सकते ।

अब जो यहां पर यह मांग की गई है कि विन्ध्य प्रदेश को यू० पी० में शामिल किया जाए, इसके बारे में मैं थोड़ा सा कहना चाहता हूं । जब एक बार फैसला हो चुका है कि विन्ध्य प्रदेश को मध्य प्रदेश में मिलाया जाएगा तो मेरी समझ में नहीं आता कि बार बार क्यों यह मांग दौहराई जाती है कि इसे उत्तर प्रदेश में मिला दिया जाए । इस मामले पर विस्तार से बहस हो चुकी है और अब जबकि एक फैसले पर पहुंचा जा चुका है तो फिर दुबारा क्यों उस मसले को खोला जा रहा है । मैं पूछता हूं कि क्या आखिर हम किसी फैसले पर पहुंचेंगे भी ? क्या यह चीज कहीं खत्म होगी भी ?

पंडित के० सी० शर्मा : बघेलखन्ड के लोग खुद आना चाहते हैं ।

पंडित सी० एन० मालवीय जब आप यादि कहते है कि बघेलखन्ड के लोग खुद आना चाहते हैं तो मैं आपसे कहता हूं कि आप हिस्टर को देखिये । अगर आप हिस्टरी को देखेंगे तो आपको पता चलेगा कि पूरे सैंट्रल इंडिया एजेंसी में......

उपाध्यक्ष महोदय : वे खुद आना चाहते हैं या नहीं, इसका फैसला आपस में यहां पर न कर लीजिये ।

पंडित सी० एन० मालवीय : अगर वे खुद आना चाहते हैं तो मुझे कोई एतरा नहीं है । अगर आप और आगे बढना चाहते हैं तो मैं आपसे कहता हूं कि आप मध्य प्रदेश को भी यू० पी० में मिला दीजिय और दोनों को मिलाकर एक स्टेट बना दीजिये, इसमें मुझे बड़ी खुशी होगी । मुझे डर सिर्फ़ इतना है कि कहीं आपका शरीर इतना न फैल जाए कि उसके फटने की किसी वक्त नौबत आ जाए । अपनी तरफ से मैं यह कहता हूं कि हमें इस में कोई एतराज नहीं है ।

[पंडित सी० एन० मालवीय]

यह दलील दी गई है कि साहब वहां पर खनिज पदार्थ बहुत हैं। अगर वहां पर खनिज पदार्थ बहुत बड़ी मात्रा में हैं तो मैं आपसे पूछता हूं कि वहां के खनिज पदार्थ और आपके यहां के कृषि पदार्थ यह दोनों ईस्ट और वेस्ट पाकिस्तान की तरह से नहीं हैं कि इन का लाभ ही न उठाया जा सकता हो। इस वास्ते मैं चाहता हूं कि इन छोटी छोटी बातों पर अब हमें अपनी शक्ति जाया नहो करनी चाहिए। अब इन मसलों को तय हुआ हमें समझना चाहिये।

क्योंकी समय वहुत थोड़ा है इस वास्ते अब मै एक दसरी बात पर आता हूं। अभी हाई कोर्ट जजेज के बारे में और उनकी तनख्वाह के बारे में बोगावत साहब ने एक तजवीज पेश की जिस से मैं सहमत नहीं हूं। मैं आज देखता हूं कि सेक्रेटरिएट में बड़े बड़े अफसरों को चार चार हजार माहवार तनख्वाह मिलती है। जब ऐसी बात है तो क्या वजह है कि जजों को कम तनख्वाह दी जाए। उनको भी जो हाइएस्ट तनख्वाह हो सकती है वह मिलनी चाहिए। मैं नहीं चाहता हूं कि उनको ३,५०० और २,५०० रुपया माहवार तनख्वाह दी जाये जब की औरों को चार चार हजार रुपया माहवार तनख्वाह दी जाती है। हां अगर आप सब की नख्वाहें घटाते हैं तो फिर अगर आप जजो की तनख्वाहें भी घटा दे तो मुझे इसमें कोई इतराज नहीं होंगा। मै यह भी चाहता हूं कि जितने मी हाई कोर्ट्स के जजिस हैं उन सब की तनख्वाहें एक जैसी होना चाहिये और इस बिल में स्टेट वाईज तनख्वाहों की जो बात रखी गई हैं वह नहीं होनी चाहिए।

एक और चीज जो मैं अर्ज करना चाहता हूं वह यह है कि सिलेक्ट कमिटी इस कानून के अन्दर कोई ऐसी तजवीज रखे जिस मे कि जो हाई कोर्ट जजिस हैं और जो रिटायर हो चुके हैं उनको फिर मे नौकर न रखा जाए, और उनको एक्स्टेंशन न दी जाए। इससे न्याय देने के ऊपर अच्छा असर नहीं पडता है। उनको इस तरह की फिक्र रहती है कि किसी न किसी तरीके से उनको नौकरी मिल जाए जो कि अच्छी बात नहीं है। इस वास्ते मैं चाहता हूं कि सलेक्ट कमिटी इस पर भी विचार कर ले और तनख्वाहों के बारे में किसी तरह का डिसक्रिमिनेशन नहीं होना चाहिए और उनको हाइएस्ट तनख्वाह मिलनी चाहिए।

अब मुझे माइनोरीटीज के सेफ गार्ड्स के बारें म थोड़ा सा कहना है। इस बिल में उनके लिए प्राइमरी एजुकेशन तक ही सेफगार्ड की बात रखी गई है, इसको मैं काफी नही समझता हूं। माइनोरिटीज को सेफगार्ड्स देने के बारे में हमें और आगे बढना चाहिए। मैं चाहता हुं कि यह जो एमेंडिग बिल रखा गया है इसमें और ज्यादा गौर करके कुछ और चीजें माइनोरिटीज के सेफगार्ड के लिए रखनी चाहिए। मैं यह इसलिए कहता हूं कि छोटी छोटी बातें कभी कभी बड़ी बन जाती हैं और ऐसी मांगें बाद में जाकर पेश होने लग जाती हैं, जिन से कि रियासतों के टुकड़े होते हैं। इस वास्ते यह जो प्राइमरी एजुकेशन की बात रखी गई है इसका कुछ मतलब नहीं है। हमें माइनोरिटीज को तरक्की करने के पूरे पूरे मौके देने चाहिए तांकि आगे चल कर वे किसी भी कम्पीटीशन में बैठ कर कम्पीट कर सकें। किसी को थोड़ी सी सेफगार्डस दे देने से काम नहीं चलता है। हमें चाहिए कि हम उन्हें निर्विघ्न आगे बढने का मौका दे तांकि वे अपनी जिंदगी अच्छी तरह से बसर कर सकें। उन की जितनी भी जायज शिकायते हैं उनको हमें सुनना चाहियें और उन्हें दूर करने की कोशिस करनी चाहिए। मैं चाहता हूं कि उनको सैकेंडरी स्टेज तक उनकी मातृभाषा में ही शिक्षा दी जाए।

अब मं उर्दू पर आता हूं।

मं यह चाहता हूं कि आप इस भाषा की तरफ भी ध्यान दे। यह भाषा भी हिन्दुस्तान की भाषा है। यह ठीक है कि पाकिस्तान ने अपने यहां इस भाषा को रखा है आज यह कहा जाता है चूकि अंगरेजी एक इंटरनेशनल भाषा है इस वास्ते हमे इसे अपने यहां रख रहे हैं। मैं आपको बतलाना चाहता हूं कि उर्दू भाषा के मम्बन्ध में भी यही बात लागू होती है। जिस सक्रिप्ट में यह भाषा लिखी जाती है उसे कई देश समझते हैं और उनमें इरान, अफगानिस्तान, पाकिस्तान इत्यादि कई देश हैं जिनके साथ आप रावता कायम रख सकते है। इस वाथते मैं आपसे प्रार्थना करता हूं कि इस तरह भी खास तौर से ध्यान दिया जाय और जो लोग उर्दू पढना चाहते हैं उनके लिए आपको इस भाषा को पढ़ाने का खास इंतजाम करना चाहिए। साथ ही साथ आपको हर सम्भव कदम उर्दू भाषा को तरक्की देने के लिये उठाना चाहिए ताकि हमें यह कहने में फरूर हो सके कि इस भाषा के विकास में हमने मदद दी है और इसके पनपने में हर प्रकार की सहूलियतें हमने दी हैं।

उपाध्यक्ष महोदय, अब मैं सिर्फ एक बात और कहना चाहता हूं और वह हैं............

उपाध्यक्ष महोदय, : अब और कुछ कहनेकी ईजाजत नही दी जा सकती।

Shri Tek Chand : Mr. Deputy-Speaker I propose to take my cue from your observations and thereby avoid overlapping matters which were already the subject-matter of debate in the preceding Bill. I propose to focus the attention of the Government with regard to those matters which are covered by Chapter V of the Constitution, those which relate to High Courts.

Very often, the importance of the High Courts is not realised to the fullest. If defence is necessary to safeguard our liberty from external aggression, these High Courts are no less important because they are the bastions of our civil rights and civil liberties. The moment there is any violation of our civil rights, the moment our civil liberties are in jeopardy either from any individual or group of individuals or from larger numbers, it is these judicial tribunals, particularly the High Courts where a citizen goes to get justice, where the yardstick is not policy, not prejudice, but the yardstick is rule of law. These are the fountains of justice which must remain unsullied, un-contaminated and must serve the public in the best interests of law, and in the best interests of justice. This Bill proposes certain laudable changes with respect to High Courts. One of the changes that is considered in the Bill is that there should be fewer High Courts, but bigger High Courts. Bigger High Courts attract to themselves automatically greater talents, not only at the Bar, but also on the Bench. When there are bigger High Courts, there is clash of intellect and in that clash of intellect, you get the best out of the brain. It is for this reason that where the Presidency High Courts or larger High Courts lay down precedents and case law, they are avidly examined with respect and care and followed by other High Courts.

One matter that has been contemplated in the Bill, which is a very welcome measure, is regarding the transfer of Judges. Not only from the point of view of oneness of the country, not only because it will be conducive to the unity of the country in a greater measure, it will also be extremely desirable that talented Judges from the various High Courts should be interchanged for a few years so that they may be in a position to project their learning and also imbibe something of the local or provincial law.

Mr. Deputy-Speaker : The hon. Member may continue tomorrow. There is a message to be read by the Secretary.

MESSAGE FROM RAJYA SABHA

Secretary : Sir, I have to report the following message received from the Secretary of Rajya Sabha :

> "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the appropriation (No. 2) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 21st April, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

5-30 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Friday the 27th April, 1956.

DAILY DIGEST

[*Thursday, 26th April,* 1956]

	COLUMNS
REPORT OF ESTIMATES COMMITTEE PRESENTED . . Twenty-fifth Report was presented. .	6423
REPORT OF RULES COMMITTEE ADOPTED . . . . . Sardar Hukam Singh moved for the adoption of the Third report of the Rules Committee laid on the Table on the 25th April, 1956. After discussion the motion was adopted, and the Lok Sabha agreed to the amendment to the Rules of Procedure as recommended by the Rules Committee.	6423-55
MOTION TO REFER BILL TO JOINT COMMITTEE ADOPTED. Further discussion on the motion to refer the States Reorganisation bill to a Joint Committee was continued. After discussion, the motion, as amended, was adopted. . .	6455-72
MOTION TO REFER BILL TO JOINT COMMITTEE UNDER CONSIDERATION . . The motion to refer the Constitution (Ninth Amendment) Bill to a Joint Committee was moved by Pandit G. B. Pant. The discussion was not concluded. . .	6472-6540
MESSAGE FROM RAJYA SABHA . . . . Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Appropriation (No. 2) Bill, 1956, passed by Lok Sabha on the 21st April, 1956. . . .	6540
AGENDA FOR FRIDAY 27TH APRIL, 1956— Further discussion on the motion to refer the Constitution (Ninth Amendment) Bill to a Joint Committee, and Hindu Succession Bill and Private Members' Resolutions.	

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